THE DEVELOPMENT OF LUTHER'S PRINCIPLE OF ECCLESIASTICAL AUTHORITY (1512-1530) IN THE GERMAN REFORMATION

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VITA

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In 1950 he completed his high school education with the Abitur as the Corvinusschule in Northeim. From 1950 to 1953 he studied theology at the universities in Goettingen, Heidelberg, and Bonn. In 1953 he was awarded a scholarship of the World Council of Churches for a year of study at the United Theological Seminary in Dayton, Ohio, from where he graduated with the degree Bachelor of Divinity in 1954. After his return to Germany, he passed the First and Second Theological Examination with the Protestant Landeskirche der Pfalz in Speyer in 1955 and 1958.

From his ordination in 1955 until 1959 he served as a chaplain with German service units assigned to U.S. Forces in Southern Germany. From 1959 to 1962 he served a pastorate of the Lutheran Church in America in Grafton, West Virginia.

From the fall of 1962 to the fall of 1965 he pursued graduate studies in the field of Church History at the Hartford Seminary Foundation. The present thesis is a revision of his S.T.M. thesis entitled: "The Development of Lutheran Ecclesiology (1512-1530) within its Historical Context: Spiritual Authority in Luther's Doctrine of the Church", which was approved in the spring of 1964. In the academic year 1964-65 he was a teaching assistant in the Department of Church History, teaching the course on modern church history and part of the course on reformation history.

In the fall of 1965 he accepted a call to go as professor for Church History to the Facultad Luterana de Teologia in José C. Paz, Province of Buenos Aires, Argentina. After studies in Spanish and the Latin American culture at the Roman Catholic Center for Intercultural Formation in Cuernavaca, Mexico, he began his work in Argentina in March 1966 and is teaching there at the present time.

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INTRODUCTION

The quest for the One Catholic Church, the Body of Christ, which has reached a new intensity in our days, has led to a new search for a principle of ecclesiastical authority by which the fellowship of the Christians can be expressed in a concrete and generally identifiable order. But the answer to the problem of ecclesiastical authority cannot be given without an examination of the concrete history of the visible church. One of the fruits of the contemporary ecumenical discussion is precisely this recognition that the existing schisms and separations between the various Christian communities cannot be overcome without a joint historical study of the concrete past in which the present divisions had their origin. As one of the noted Roman Catholic leaders, Hans Kueng, expresses it in his book Strukturen der Kirche [Herder, Freiburg, 1962], p. 105:

> "... the quest for the true apostolic Church is not only a problem of abstract theological demonstrations and skilful apologetics. It is rather also a problem of the concrete credibility which cannot be separated from the concrete history of the Church."

It is within the context of the contemporary ecumenical discussion that this study of the reformer, who has been both hailed as the discoverer of the true gospel and condemned as the destroyer of the true unity of the church, raises the question of the consistency and development of Luther's principle of ecclesiastical authority (for the use of the categories "consistency and development" the author is indebted to Roland H. Bainton's "Luther's Attitudes on Religious Liberty" in Studies on the Reformation [Boston, 1963]). This is

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* "... die Frage nach der wahren apostolischen Kirche nicht einfach nur eine Frage abstrakter theologischer Beweisfuehrung und geschickter Apologetik ist. Sie is vielmehr auch eine Frage der konkreten Glaubwuerdigkeit, die nicht losgetrennt werden kann von der konkreten Geschichte der Kirche."

A HISTORICAL TASK WHICH ASKS WHETHER THERE IS A PRINCIPLE WHICH DETERMINES AND ORDERS LUTHER'S RELATION TO THAT PARTICULAR COMMUNITY WHICH CAN BE CONCRETELY IDENTIFIED BY ITS WITNESS THAT JESUS CHRIST IS THE TRUTH AND THEREFORE ITS LORD.

WHEN JUDGED BY THE CLAIM OF THE ADHERENCE TO A GIVEN SINGLE PHILOSOPHICAL SYSTEM AS THE ABSOLUTELY NECESSARY CONDITION FOR THE SCIENTIFIC VALUE OF HISTORICAL STUDIES, THIS STUDY WILL NECESSARILY APPEAR TO SHARE "THE 'ECLECTIC' AND PURPOSEFULLY IRRATIONAL CHARACTER" ("DER 'EKLEKTISCHE' UND BEWUSST UNFOLGERICHTIGE CHARAKTER") WHICH IS DEFENDED BY OTTO WEBER FOR THAT PARTICULAR CONTEXT OF QUESTIONING, STATING, AND ANSWERING WHICH IS DETERMINED "BY THE RECOGNITION THAT JESUS CHRIST IS THE LORD, THAT HE IS THE TRUTH" ("VON DER ERKENNTNIS, DASS JESUS CHRISTUS DER HERR, DASS ER DIE WAHRHEIT IST") [GRUNDLAGEN DER DOGMATIK, BUCHHANDLUNG DES ERZIEHUNGSVEREINS, NEUKIRCHEN, 1955, VOL. I, P. 61F]. WE ALSO TAKE NOTE OF THE WARNING WHICH G.W. FORELL RAISES AGAINST THE UNHISTORICAL SYSTEMATIZATIONS OF LUTHER'S THOUGHT BY "THE GERMAN UNIVERSITY PROFESSOR" IN FAITH ACTIVE IN LOVE [AMERICAN PRESS, NEW YORK, 1954], P. 45F:

> "THE GERMAN UNIVERSITY PROFESSOR IS A SYSTEM BUILDER, AND HE WILL INVARIABLY ATTEMPT TO INTEGRATE HISTORY INTO HIS SYSTEM. FOR HIM ONLY A SYSTEMATIC METHOD IN WHICH ALL DIALECTIC ANTITHESES ARE ULTIMATELY RESOLVED IN A MORE COMPREHENSIVE SYNTHESIS DESERVES THE NAME OF METHOD ... FOR THIS TYPE OF 'SYSTEMATIC' SCHOLARSHIP ... LUTHER PROVED MOST UNWIELDY MATERIAL."

IN AGREEMENT WITH THE WIDESPREAD OPINION THAT EXEGESIS IS NOT POSSIBLE WITHOUT PRESUPPOSITIONS, NOTICE SHOULD PERHAPS BE TAKEN OF THE PARTICULAR BIAS WHICH IS IMPLIED IN THE STATED QUESTION. IT IS AN "ECCLESIASTICAL BIAS" WHICH PRESUPPOSES THAT A PERSON'S RELATION TO THE FELLOWSHIP OF THE CHURCH IS IMPORTANT ENOUGH TO BE MADE THE SUBJECT OF AN INVESTIGATION. THIS "BIAS"

FINDS ULTIMATELY NO OTHER BASIS BUT THE RECOGNITION, WHICH HAS BECOME ACCEPTED AS THE DECISIVE CRITERION BY MANY PARTICIPANTS IN THE ECUMENICAL DISCUSSION TODAY, THAT THE WITNESS OF THE APOSTLES TO JESUS CHRIST "HAS A UNIQUE, PERMANENT, AND NORMATIVE POSITION IN THE CHURCH AND OVER AGAINST THE CHURCH WHICH CANNOT BE REPEATED" ("HAT DAS ZEUGNIS DER APOSTEL EINE EINZIGARTIGE, BLEIBENDE UND UNWIEDERHOLBARE NORMATIVE STELLUNG IN DER KIRCHE UND GEGENUEBER DER KIRCHE") [HANS KUENG, STRUKTUREN DER KIRCHE, P. 105].

IN RECENT YEARS A NUMBER OF STUDIES HAVE DISCUSSED VARIOUS ASPECTS OF LUTHER'S ECCLESIOLOGY. THE JUSTIFICATION FOR ADDING ANOTHER LUTHER INTERPRETATION TO THIS IMMENSE AMOUNT OF LITERATURE IS FOUND IN THE FACT THAT THESE RECENT LUTHER STUDIES ARE WITHOUT EXCEPTION SYSTEMATIC PRESENTATIONS OF LUTHER'S ECCLESIOLOGY, WHILE AN EXTENSIVE TREATMENT OF THE DEVELOPMENT OF LUTHER'S PRINCIPLE OF ECCLESIASTICAL AUTHORITY IS STILL MISSING. THE LAST FULL DISCUSSION OF THIS LATTER PROBLEM WAS GIVEN BY KARL HOLL. HOLL'S INTERPRETATION HAS BEEN SHARPLY DENOUNCED BY SOME IN THE MEANTIME AND THEREFORE NEEDS TO BE REEXAMINED IN THE LIGHT OF THE CHANGES WHICH HAVE OCCURRED IN THE SITUATION OF THE CHURCHES IN OUR DAYS, PARTICULARLY THROUGH THE SECOND VATICAN COUNCIL.

SINCE OUR MAIN INTEREST IS WITH THE PERIOD IN WHICH LUTHER'S BREAK WITH THE ECCLESIASTICAL AUTHORITIES IN ROME OCCURRED, OUR STUDY WILL BE RESTRICTED TO LUTHER'S WORK DURING THE PERIOD FROM 1512 TO 1530, FROM THE YEAR OF HIS APPOINTMENT AS PROFESSOR IN WITTENBERG TO THE YEAR OF THE AUGSBURG DIET WHEN LUTHER'S REFORMATION HAD REACHED A CERTAIN CONCLUSION IN THE CHURCH GOVERNMENT OF THE TERRITORIAL LORDS. REFERENCES TO LATER WORKS OF LUTHER SHALL BE MADE ONLY FOR THE PURPOSE OF CORROBORATING EVIDENCE ALREADY ESTABLISHED FROM EARLIER SOURCES. THE DIVISION OF CHAPTERS SHALL BE DETERMINED BY THE TURNING POINTS IN LUTHER'S RELATIONSHIP WITH THE CHURCH. THIS METHOD SEEMS TO RECOM-

mend itself particularly in the case of Luther since, as Bainton puts it in "Luther's Attitudes on Religious Liberty", p. 22, "in the delineation of his attitude and development one discovers a certain convergence of the topical and the chronological divisions".

After an introductory chapter on the exercise of ecclesiastical authority at the end of the fifteenth century and the beginning of the sixteenth century, Luther's relation to the church will be discussed for three periods of his life which are distinguished from each other by the different positions which Luther held within the church. The second chapter will thus treat the time from 1512 to his first public conflict with the authority of Rome in 1517, the third chapter the years from 1517 to 1521 in which Luther was suspected of heresy, and the last chapter the period after the public break with Rome from 1521 to 1530. This division will also determine the selection of sources for each period. For the years from 1512 to 1517 we shall rely on Luther's classroom lectures, notably the lectures on Psalms 1513-1515 and the lectures on Romans 1515-1516. For the period from 1517 to 1521 we shall use the material in which Luther defends his own understanding of ecclesiastical authority against the charge of heresy. For the period from 1521 to 1530 our sources will be the new church orders and their interpretations which were drawn up in those years for the use of the churches under the influence of Luther's teaching.

The translation of the quotations from the Latin, German, French, and Spanish sources is my own unless otherwise indicated. Where already existing English translations are used, the text of the translation is always carefully compared with the original text with the inevitable result that in a very few places the English translation is slightly altered. The use of different linguistic symbols that is made by an "English speaking" typewriter necessitates in some instances a transliteration of words in the original German texts. Thus, the German Umlaute are rendered as "ae", "oe", and "ue", the German "ß" as "ss", and both the German long "ſ" and the German end-"ſ" are represented by the same symbol "s".

CHAPTER I:

THE CRISIS OF ECCLESIASTICAL AUTHORITY IN THE FIFTEENTH CENTURY

THE BABYLONIAN CAPTIVITY OF THE CHURCH

Martin Luther was born into a church which had lost a general and clearly discernible principle of authority for the exercise of a universal ministry to the world. When publishing his discussion on the state of the church in 1520, he was to point to the spiritual confusion of which the church had become a victim, by using as a title the popular nickname which had described the residing of the popes in Avignon from 1309 to 1377, calling his treatise "The Babylonian Captivity of the Church". It was, as a Roman Catholic historian of our day states it, "a time of crisis for authority ... for a long time ... which involved argument where sovereignty lay in the Church's organization, both centrally and locally."[1]

After the church had endured for the second time the simultaneous pontificate of three competing popes,[2] it had become quite difficult to conceive of the papal office in the terms employed by Roman Catholic theologians today as "the visible principle and foundation of the unity of the episcopate"[3] or of the unity of the church. In effect

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1. John M. Todd: Martin Luther, Newman Press, Westminster, Md., 1964, pp. 98f

2. 1045-1046: Benedict IX, Silvester III, Gregory VI; 1409-1415: Benedict XIII, Gregory XII, Alexander V (or after 1410 Baldassare Cossa as John XXIII)

3. Karl Rahner: "Anotaciones teológico-pastorales a la doctrina del Vaticano II acerca del Episcopado" in Concilium 3, March 1965, p. 18. In this discussion of the relationship between papacy and episcopacy Rahner defines the papal office expressly as the "visible principle and foundation of the unity of the episcopate". But what is said here of the unity of the episcopate must, in this interpretation, be also applied to the unity of the entire church; for Rahner defines the church structure as "a hierarchic constitution of functions that are endowed with a plenitude of holy authority whose holders are in the first place the bishops as successors of the Apostles of Christ, under the Pope."

THE "VICAR OF CHRIST" FOUND HIMSELF IN A MOST UNFORTUNATE POSITION. WHATEVER AUTHORITY WAS ASCRIBED TO HIM BY THE THEOLOGICAL SYSTEMS OF THE TIME, IT WAS EVIDENT THAT HIS AUTHORITY HAD FAILED IN SAFEGUARDING THE UNITY OF THE CHURCH IN THE CONCRETE SITUATIONS OF HUMAN CONFLICT AND COMPETITION WHICH FORM A PART IN THE EXERCISE OF A CHRISTIAN MINISTRY.

A MAJOR SHARE OF THE BLAME FOR THIS FAILURE HAS BEEN TRADITIONALLY LAID ON THE PERSONAL SHORTCOMINGS OF THE POPES DURING THE FIFTEENTH AND SIXTEENTH CENTURIES. IT IS TRUE, EVEN THE MOST CHARITABLE OBSERVER WILL FIND IT EXCEEDINGLY DIFFICULT TO DISCOVER AMONG THE RENAISSANCE POPES MANY OF THE SPIRITUAL TRAITS ONE MIGHT LOOK FOR IN CHURCH LEADERS OF SUCH A HIGH POSITION. HOWEVER, OUR CONCERN HERE SHALL NOT BE WITH THE EVIDENT SCARCITY OF SPIRITUAL ENDOWMENTS IN THESE SHEPHERDS OF SOULS. WHETHER THEIR DEFICIENCY IN QUALIFICATIONS WAS THE CAUSE OR THE RESULT OF THE CHURCH'S DECLINE AT THE TIME OF LUTHER APPEARS TO BE A MATTER OF DEBATE. IF IT IS SAID OF THE ROMAN PONTIFF IN THIS ECUMENICAL ERA, WHICH IS DETERMINED BY A COMMON DESIRE FOR UNITY, THAT "BEING A POPE IS A DIFFICULT THING TODAY",[4] THE SAME CLAIM CAN BE MADE WITH EVEN MORE JUSTIFICATION FOR THE ROMAN PONTIFFS DURING A TIME WHICH WITNESSED THE DISSOLUTION OF THE MEDIEVAL CHURCH AND THE DAWN OF A NEW ERA IN RELIGIOUS MOVEMENTS AS WELL AS IN THE POLITICAL LIFE.

DIVORCED FROM THE CONCRETE QUESTIONS WHICH AROSE IN THE DIOCESES, PARISHES, AND CONGREGATIONS, THE PAPAL OFFICE HAD VERY FEW MEANS OF INFLUENCING THE PERSONAL DECISIONS OF THE BELIEVERS THERE. THIS SEVERE

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4. WALTER LEO: "DIE HERRSCHENDE KIRCHE - WIE KANN SIE DIENEN?" IN ZEIT OF APRIL 15, 1966, P. 8: "PAEPSTE HABEN ES HEUTE SCHWER."

HANDICAP, IT IS TRUE, SEEMS TO HAVE BEEN HAUNTING THE MINISTRY OF ALL POPES DOWN TO OUR DAYS, IN WHICH POPE JOHN XXIII IS SAID TO HAVE REMARKED: "HERE [IN ROME] I AM IN A BAG."[5] BUT AT THE TIME OF LUTHER'S BIRTH IT WAS AN ESPECIALLY NASTY PROBLEM. THE LAST SCHISM OF THE CHURCH'S UNITY WAS STILL TOO RECENT AND TOO EVIDENT TO HAVE BEEN FORGOTTEN WITHIN THE COURSE OF ONE CENTURY. THE CONFESSION TO THE POPE AS THE "VISIBLE PRINCIPLE AND FOUNDATION OF THE UNITY OF THE CHURCH"[6], WHICH IS MADE BY THE ROMAN CATHOLIC THEOLOGY OF OUR DAY, STOOD IN NEED OF BEING FILLED WITH A NEW SIGNIFICANCE WITHIN THE CHURCH'S ORGANIZATION.

THERE WAS NO SCARCITY OF MEN DEEPLY CONCERNED ABOUT THE DISCORD WITHIN THE CHURCH. THE "REFORMATION OF THE CHURCH AT HEAD AND MEMBERS", WHICH HAD BEEN PROCLAIMED AS THE GENERAL PROGRAMME FOR ALL CHRISTIANS BY THE COUNCIL OF CONSTANCE ON APRIL 6TH, 1415, WAS NOT ALTOGETHER IGNORED. IT WAS VIGOROUSLY PURSUED BY SUCH MEN AS NICHOLAS OF CUES, CARDINAL XIMÉNES DE CISNEROS, AND GIROLAMO SAVONAROLA. THE EFFORTS OF THESE CHURCH LEADERS WERE MATCHED BY THE WORK OF THE HUMANIST SCHOLARS SUCH AS DESIDERIUS ERASMUS, JOHANN REUCHLIN, JACQUES LE FÈVRE D'ÉTAPLES, AND JOHN COLET. TO THESE WELL KNOWN MEN MUST BE ADDED THE COUNTLESS MONKS WHO STAKED THEIR HOPE FOR A REVIVAL OF THE CHURCH ON THE REFORM OF THE RELIGIOUS CONGREGATIONS, AS WELL AS THE LEADERS OF THE "DEVOTIO MODERNA" WHO IN THE TRADITION OF GERHARD GROOTE SOUGHT TO AWAKEN THE ACTIVE PARTICIPATION OF THE LAY FOLK THROUGH THE ORGANISATION OF SO-CALLED "FRATERNITIES" AND PRAYER FELLOWSHIPS, THE "CELL GROUPS" OF THAT TIME; AND

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5. GEORGE A. LINDBECK: DIALOG UNTERWEGS, GOETTINGEN, 1965, P. 34: "HIER BIN ICH IN EINEM SACK."

6. CF. SUPRA, NOTE 3

WE MUST NOT FORGET THE INDIVIDUAL ATTEMPTS AT SOCIAL REFORM BY SUCH WOMEN AS BERNARDINE OF FELTRE AND CATHERINE OF GENOA. THE METHODS WHICH WERE USED IN THESE MOVEMENTS WERE AS VARIED AS THE PERSONS ENGAGED IN THEM. THEY REACHED FROM THE UNFLINCHING EMPLOYMENT OF INQUISITION AND TORTURE IN SPAIN TO THE SOCIAL REFORMS IN NORTHERN ITALY, FROM THE QUIET CONCENTRATION OF THE SCHOLAR ON THE INTERPRETATION OF TEXTS IN THE UNIVERSITIES TO THE STIRRING ORATORY AROUSING THE MASSES OF FLORENCE, FROM A STRICT OBSERVANCE OF PRAYERS AND FASTING IN THE MONASTERIES TO THE QUIET EXAMPLE OF A SAINTLY LIFE IN NORTHERN EUROPE. AS A ROMAN CATHOLIC WRITER COMMENTS:

> "IT IS TRUE THAT BEFORE LUTHER THERE WERE REVIVALS IN RELIGIOUS RESPONSE. ... IT IS ALSO TRUE, HOWEVER, THAT THE DEVOTIO WAS GEOGRAPHICALLY CONFINED TO THE NETHERLANDS, PARTS OF NORTHERN FRANCE AND NORTHERN GERMANY; THE SOCIAL REFORMS OF STS. BERNARDINE AND CATHERINE CENTERED IN A SEGMENT OF NORTHERN ITALY; THE PROGRAM OF XIMÉNES WAS LOCKED WITHIN THE PYRENEES. THE FACT STILL REMAINS THAT THE EPISCOPATE AND THE PAPACY DURING THE PRE-LUTHER CENTURY WERE NOT ABLE TO ACHIEVE ANY OUTSTANDING CORPORATE REFORM, ..." 7

THE GEOGRAPHICAL DIVISION OF THE VARIOUS ATTEMPTS, WHICH IS SO STRONGLY EMPHASIZED BY THIS AUTHOR, WAS AN IMPORTANT FACTOR; BUT IT CAN HARDLY BE CONSIDERED THE ULTIMATE CAUSE FOR THE FAILURE TO ACHIEVE A CORPORATE REFORM. ANOTHER ROMAN CATHOLIC HISTORIAN FRANKLY ADMITS:

> "BUT THE WILL WAS NEVER THERE. THE FACTS WERE ALL KNOWN - THAT THE CHURCH WAS IN A DISGRACEFUL STATE, THAT IT WAS NOT WORTHY OF THE AUTHORITY GIVEN IT BY CHRIST, THAT IT DESERVED PUNISHMENT. BUT THE WILL FAILED." 8

THE TRAGEDY OF THE VARIOUS REFORM MOVEMENTS - HOWEVER WELL-MEANT OR MISGUIDED THEY MAY HAVE BEEN - WAS THAT THEY COULD NOT FREE THEMSELVES

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7. EDWARD D. MCSHANE: "MARTIN LUTHER" IN THOUGHT (FORDHAM UNIVERSITY QUARTERLY), VOL. XLI, NO. 160, SPRING 1966, P. 111

8. TODD, OP. CIT., P. 100

FROM THE UNFORTUNATE DECISIONS WITH WHICH THE COUNCIL OF CONSTANCE ITSELF HAD INAUGURATED THE CHURCH'S REORGANIZATION.[9] THE ATTEMPT OF ASSESSING THE PRINCIPLE OF CHURCH AUTHORITY IN LUTHER'S TIME, THEREFORE, CANNOT FORGO AN EXAMINATION OF THIS COUNCIL WHICH AS THE OFFICIAL ORGAN OF THE CHURCH HAD ENLISTED ALL CHRISTIANS IN THE TASK OF A REFORM WITH A UNIVERSAL CLAIM, UNRESTRICTED BY GEOGRAPHICAL DIVISIONS AND LIMITATIONS.

DESPITE THE COLORFUL SPLENDOR WITH WHICH THE COUNCIL OF CONSTANCE STANDS OUT AMONG THE REFORM COUNCILS,[10] THIS ILLUSTRIOUS ASSEMBLY WAS FACED WITH THE UNPLEASANT TASK OF DEPOSING AT LEAST TWO OF THE THREE EXISTING POPES OR OTHERWISE CHANGING THE MEANING OF THE PAPACY. BUT THIS TASK WHICH PRACTICAL NECESSITY DEMANDED IMPLIED IN EFFECT THE BEGINNING OF A NEW CHAPTER IN THE HISTORY OF THE CHURCH. THE COURAGEOUS VISION OF GREGORY VII WHICH HAD FORMED THE STRUCTURE OF THE CHURCH FOR MORE THAN THREE CENTURIES, AND HAD LED HER AS ONE BODY UNITED UNDER THE POPE, HAD COME TO AN END. THESE WERE THE FACTS ALREADY KNOWN BEFORE THE OPENING OF THE FIRST CONCILIAR SESSION ON MAY 5TH, 1414. BUT THE QUESTION WAS WHAT SORT OF DECISIONS THE COUNCIL WOULD MAKE ON THE BASIS OF THIS KNOWLEDGE.

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9. FOR A FULL DISCUSSION OF THE COUNCIL OF CONSTANCE CF. E. DELARUELLE, E.-R. LABANDE, PAUL OURLIAC: L'EGLISE AU TEMPS DU GRAND SCHISME ET DE LA CRISE CONCILIAIRE (HISTOIRE DE L'EGLISE, FONDÉE PAR AUGUSTIN FLICHE ET VICTOR MARTIN, VOL. 14), BLOUD & GAY, TOURNAI, 1964 - AFTERWARDS ABBREVIATED AS "FLICHE-MARTIN 14"; K.A. FINK: "KONZIL VON KONSTANZ" IN LEXIKON FUER THEOLOGIE UND KIRCHE, VOL. VI, HERDER, FREIBURG, 2ND ED. 1961, PP. 501FF; R. BAEUMER: "KONSTANZER DEKRETE" IN LEXIKON FUER THEOLOGIE UND KIRCHE, VOL. VI, HERDER, FREIBURG, 2ND ED. 1961, PP. 503FF; HANS KUENG: STRUKTUREN DER KIRCHE, HERDER, FREIBURG, 2ND ED. 1962, PP. 206FF.

10. CF. E.G. SCHWIEBERT: LUTHER AND HIS TIMES, CONCORDIA, ST. LOUIS, 1950, P. 26

To safeguard the freedom of the church, Gregory VII had demanded that there must be one office in the church which is to be exempt from being judged by anyone. In his opinion this was to be the office of the pope as the successor of St. Peter.[11] The assumption was that the sacredness of the church, once it was secured in the office of an unimpeachable pope, would then also inevitably be imparted to the entire body of the church.

To be sure, the concept of an unquestionable pope was not entirely Gregory's invention. It had evolved already in the ancient church out of the theories which channeled the authority of the apostles into the sole primacy of St. Peter and his successors. In the beginning of the sixth century, it had been expressed by Ennodius, the bishop of Pavia, in the neat formula that "the minister of this [Petrine] See has been reserved [by God] without questioning for His sentence alone."[12]

But it was Gregory VII who made a principle full of purpose out of this concept of an unquestionable pope by staking his life and work on its defense. To secure its general acceptance everywhere, the great reformer

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11. Gregory VII: "Dictatus papae" in Carl Mirbt: Quellen zur Geschichte des Papsttums, J.C.B. Mohr, Freiburg & Leipzig, 1895, p. 62f; art. 19: "That he [the pope] cannot be judged by anyone." ("Quod a nemine ipse iudicari debeat.") and art. 23: "That the Roman pontiff who has been canonically ordained indubitably is made holy by the merits of St. Peter, as the Pavian bishop, the holy Ennodius, testifies with the approval of many holy fathers and as is also contained in the decrees of St. Symachus, the pope." ("Quod Romanus pontifex, si canonice fuerit ordinatus, meritis beati Petri indubitanter efficitur sanctus, testante sancto Ennodio Papiensi episcopo, et multis sanctis patribus faventibus, sicut in decretis beati Symachi papae continetur.")

12. Mirbt, op. cit., p. 28: "sedis istius praesulem suo sine quaestione reservavit arbitrio."

OF THE ELEVENTH CENTURY DEMANDED FOR THE POPE, AS DIVINE RIGHTS, POWERS WHICH EXCEEDED THOSE OF AN EMPEROR, SUCH AS THE OBLIGATION FOR ALL THE PRINCES TO KISS ONLY HIS FEET AND THE RIGHT TO ABSOLVE SUBJECTS FROM THE OATH OF FIDELITY TO THEIR RULERS.[13] FILLED WITH THE ARDOR OF THE MONASTIC REFORM MOVEMENT, HE SOUGHT TO LIBERATE THE CHURCH FROM THE GRASP OF THE POWERFUL FEUDAL LORDS. AS A RESULT HE FOUGHT AN UNSPARING BATTLE AGAINST THE GERMAN EMPEROR, IN WHICH A PARTIAL VICTORY WAS GRANTED HIM ONLY AFTER HIS DEATH. BUT IN THE CENTURIES WHICH FOLLOWED HIS IDEAL GUIDED THE CHRISTIAN PEOPLE, RALLYING THEM TO ENGAGE IN COSTLY AND DANGEROUS CRUSADES, BREAKING THE POWER OF KINGS SUCH AS THE DYNASTY OF THE HOHENSTAUFFEN, AND SERVING AS THE CENTER FOR THE ELABORATE SYSTEMS OF SCHOLASTIC DOCTRINE AND CHURCH LAW.

THE DEFENSE OF UNLIMITED PAPAL PREROGATIVES, HOWEVER, HAD ALSO BROUGHT THE ROMAN CHURCH INTO DEPENDENCE ON THE FRENCH CROWN, AND HER PONTIFFS INTO THE "BABYLONIAN CAPTIVITY" IN AVIGNON WHERE THE POPES RESIDED FAR AWAY FROM THEIR OWN CONGREGATION UNDER THE PROTECTIVE CARE OF THE FRENCH KINGS. NOW, AT THE BEGINNING OF THE FIFTEENTH CENTURY, THE PENDULUM HAD SWUNG BACK TO THE POINT FROM WHICH IT HAD STARTED. JUST AS IN THE PERIOD IMMEDIATELY PRECEDING THE GREGORIAN REFORMS, THE CHURCH WAS CAUGHT AGAIN IN A SCHISM WITH THREE POPES AS HER HEADS: BENEDICT XIII AS THE ROMAN POPE WITH THE SEE IN AVIGNON, GREGORY XII AS THE COUNTER POPE WITH THE SEE IN ROME, AND AFTER 1410 JOHN XXIII (BALDASSARE COSSA) AS SUCCESSOR TO THE REFORM POPE ALEXANDER V WITH THE SEE IN PISA.

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13. GREGORY VII: "DICTATUS PAPAE" IN MIRBT, op. cit., P. 62F, ART. 9: "THAT ALL THE PRINCES ARE TO KISS THE FEET OF THE POPE ALONE." ("QUOD SOLIUS PAPAE PEDES OMNES PRINCIPES DEOSCULENTUR.") AND ART. 27: "THAT HE [THE POPE] HAS THE POWER TO ABSOLVE SUBJECTS FROM THE OATH OF FIDELITY TO WICKED RULERS." ("QUOD A FIDELITATE INIQUORUM SUBIECTOS POTEST ABSOLVERE.")

BUT THIS TIME THEY COULD NOT BE BRUSHED ASIDE BY A GERMAN KING AS EASILY AS IN 1046 WHEN HENRY III DEPOSED BENEDICT IX, SILVESTER III, AND GREGORY VI. ALL THREE OF THEM WERE CONSIDERED TO BE UNIMPEACHABLE BY THEIR RESPECTIVE FOLLOWERS, AND EACH CLAIMED IT WAS NECESSARY FOR SALVATION TO ACCEPT THAT EVERY HUMAN CREATURE BE SUBJECT TO HIM AS THE LEGITIMATE SUCCESSOR OF ST. PETER.[14]

IT IS TRUE THAT DOGMATICIANS AND CANON LAWYERS HAD PREPARED THEMSELVES FOR SUCH AN EMERGENCY. INTRICATE SYSTEMS OF PROVISIONS HAD BEEN WORKED OUT FOR A CRISIS LIKE THIS ONE IN WHICH A POPE MIGHT BE FOUND TO BE IN OBVIOUS ERROR AND THEREFORE INCAPABLE OF SERVING AS THE VICAR OF CHRIST. THESE SAFEGUARDS HAD BEEN DESIGNED TO KEEP THE EXERCISE OF THE UNIQUE PAPAL AUTHORITY WITHIN A BUILT-IN "INNER LIMITATION", AS A LEADING ROMAN CATHOLIC OF OUR DAYS CALLS IT.

> "PAPAL PRIMACY POSSESSES AN INNER LIMITATION, WHICH DWELLS WITHIN THE PAPAL POWER BY ITSELF AS A POWER THAT IS FINITE-HUMAN AND INSTITUTED BY ITS LORD. WITH THIS THERE IS PROVIDED AT THE SAME TIME THE LEGITIMATE POSSIBILITY WITHIN THE CHURCH THAT SOMEBODY OTHER THAN THE POPE IS ABLE TO RECOGNIZE THIS LIMITATION AND ACT IN CORRESPONDENCE TO THIS RECOGNITION." [15]

BUT IT IS ALSO TRUE THAT IN THE CONCRETE HISTORICAL SITUATION THE DOGMATIC AND LEGAL PROVISIONS FAILED COMPLETELY TO KEEP THE EXERCISE OF PAPAL AUTHORITY WITHIN ANY SUCH LIMITATION. THE DE FACTO EXEMPTION OF THE POPE FROM ALL

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14. BONIFACE VIII: BULL "UNAM SANCTAM" OF NOVEMBER 18, 1302, IN MIRBT, OP. CIT., P. 90: "PORRO SUBESSE ROMANO PONTIFICI OMNI HUMANAE CREATURAE DECLARAMUS, DICIMUS, DEFINIMUS, ET PRONUNCIAMUS OMNINO ESSE DE NECESSITATE SALUTIS."

15. KUENG, OP. CIT., P. 243: "DER PAEPSTLICHE PRIMAT BESITZT EINE INNERE GRENZE, DIE DER PAEPSTLICHEN GEWALT ALS ENDLICH-MENSCHLICHER UND VON IHREM HERRN GESTIFTETER VON IHR SELBST HER INNEWOHNT. DAMIT IST ZUGLEICH IN DER KIRCHE DIE LEGITIME MOEGLICHKEIT GEGEBEN, DASS JEMAND, DER VOM PAPST UNTERSCHIEDEN IST, DIESE GRENZE ZU ERKENNEN UND DIESER ERKENNTNIS ENTSPRECHEND ZU HANDELN VERMAG."

JUDGMENT FRUSTRATED A CLEAR ANSWER TO THE QUESTION OF WHO SHOULD BE THE JUDGE IN THE CONCRETE CONFLICT BETWEEN A HERETICAL POPE AND THE CHURCH OR BETWEEN POPE AND COUNTER-POPE. IT IS THEREFORE NOT SURPRISING THAT MODERN ROMAN CATHOLIC RESEARCH COMES TO THE CONCLUSION THAT AFTER GREGORY VII NO POPE HAS BEEN JUDGED OR DEPOSED THROUGH AN APPLICATION OF THE RULES DESIGNED BY THE LAWYERS AND SCHOOLMEN.[16] EVEN THE COUNCIL OF CONSTANCE DID NOT BASE ITS DEPOSITION OF THE RIVAL POPES ON AN ELUCIDATION OF THESE SAFEGUARDS WHICH DEFENDED PAPAL SUPREMACY, BUT ON THE PRINCIPLE OF CONCILIAR SUPREMACY OVER THE POPE.[17] THE CAREFULLY BALANCED STATEMENTS OF THE SCHOOLMEN HAD GROWN INTO SUCH AN ABUNDANCE THAT THEY ADDED TO THE GENERAL CONFUSION INSTEAD OF PROVIDING ANY HELP. ALTHOUGH GENERALLY THE SAME TERMINOLOGY OF SCHOLASTICISM WAS EMPLOYED IN THE DISCUSSIONS, THERE WAS NOT EVEN A COMPLETE AGREEMENT ON THE QUESTION WHETHER THERE WAS OR WAS NOT A SCHISM IN FACT.[18] IF THERE WAS A SCHISM, SHOULD ITS CAUSE AND

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16. IBID., P. 234: "IN THE TIME WHICH FOLLOWED GREGORY VII ANTAGONISTIC POPES DID CONDEMN AND EXCOMMUNICATE EACH OTHER; BUT THERE NEVER WAS A SYNODICAL PROCEEDING WITH THE RESULT OF A JUDGMENT OF DEPOSITION AND EVEN LESS ITS EXECUTION." ("IN DER FOLGEZEIT HABEN SICH DIE FEINDLICHEN PAEPSTE ZWAR GEGENSEITIG VERDAMMT UND EXKOMMUNIZIERT, DOCH KAM ES WEDER ZU EINER SYNODALVERHANDLUNG MIT DEM ERGEBNIS EINER ABSETZUNGSSENTENZ NOCH, ERST RECHT NICHT, ZU DEREN DURCHFUEHRUNG.")

17. IBID.: "THE DEPOSITIONS OF THE CONCILIAR ERA OF THE FIFTEENTH CENTURY WERE BASED IN ALL DUE FORM IN THAT THE COUNCIL STANDS ABOVE THE POPE AND THEREFORE HAS THE RIGHT OF DEPOSING HIM UNDER CERTAIN CONDITIONS." ("DIE DEPOSITIONEN DER KONZILIAREN AERA DES FUENFZEHNTEN JAHRHUNDERTS WURDEN IN ALLER FORM DAMIT BEGRUENDET, DASS DAS KONZIL UEBER DEM PAPST STEHE UND IHN FOLGLICH UNTER BESTIMMTEN BEDINGUNGEN AUCH ABSETZEN KOENNE.")

18. FLICHE-MARTIN 14, P. 495: "IN THESE PAINFUL DEBATES MEN, SINCERELY INSPIRED BY THE SAME IDEAL AND DISTRESSED OVER THE SAME SPLIT, SOMETIMES AGREED WITH EACH OTHER ONLY IN WORDS. ACCORDING TO THE MEANING WHICH THEY GAVE THEM, THERE WAS OR THERE WAS NOT A SCHISM." ("EN CES DÉBATS DOULOUREUX, DES HOMMES SINCÈREMENT ANIMÉS DU MÊME IDÉAL ET NAVRÉS DE LA MÊME DÉCHIRURE, NE S'ENTENDAIENT PARFOIS QUE SUR LES MOTS. SELON LE SENS QU'ILS LEUR DONNAIENT, IL Y AVAIT OU IL N'Y AVAIT PAS SCHISME.")

ITS AUTHOR NOT BE CLEARLY DEFINED AS THE THEOLOGICAL SYSTEMS OF THE TIME DEMANDED? BUT THE ACTUAL SITUATION MADE IT IMPOSSIBLE TO PIN THE BLAME FOR THE EXISTING DISCORD ON A SINGLE CAUSE OR PERSON WITHOUT RUNNING THE RISK OF A HERESY.

> "WITHIN THE CIRCUMSTANCE THERE WERE THEOLOGIANS WHO THOUGHT THAT THE WHOLE SCHISM WAS BY NECESSITY HERETICAL SINCE IT LEFT THE CHURCH DIVIDED AND UPSET THEREFORE THE CREED; OTHERS SUSTAINED THAT HE WAS HERETICAL WHO SEPARATED HIMSELF FROM THE POPE, THE PRINCIPLE OF UNITY." 19

THUS IT WAS SAFER FOR THE CANONISTS AND DOGMATICIANS TO LET SLEEPING DOGS LIE AND LEAVE THE ISSUE IN A CERTAIN OBSCURITY. WE MAY THEREFORE VERY WELL REVERSE THE QUESTION WHICH KUENG ADDRESSES TO LUTHER [20] AND SAY: NOTHING AGAINST AN INDESTRUCTIBLE AND THEREFORE INFALLIBLE UNITY OF THE CHURCH IN MATTERS OF FAITH AND MORALS, WHICH MAY EVEN MANIFEST ITSELF WITH AND UNDER THE POPE! BUT - THIS MUST BE THE QUESTION OF THE PROTESTANT THEOLOGIAN DIRECTED TO

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19. IBID.: "EN L'OCCURRENCE IL SE TROUVA DES THÉOLOGIENS POUR PENSER QUE TOUT SCHISME ÉTAIT NÉCESSAIREMENT HÉRÉTIQUE, PUISQU'IL LAISSAIT L'ÉGLISE DIVISÉE ET BOULEVERSAIT DONC LE CREDO; D'AUTRES SOUTENAIENT QU'ÉTAIT HÉRÉTIQUE QUI SE SÉPARAIT DU PAPE, PRINCIPE D'UNITÉ."

20. KUENG, OP. CIT., P. 116: "NOTHING AGAINST THE AUTHORITY OF THE WORD OF GOD EVEN OVER THE COUNCILS! BUT - THIS MUST BE HERE THE QUESTION OF THE CATHOLIC THEOLOGIAN DIRECTED TO LUTHER - WHAT ABOUT AUTHORITY NOW UNDER THE AUTHORITY OF THE WORD OF GOD? ALL CHRISTIANS ARE UNDER THE WORD: DOES THIS MEAN THAT THE AUTHORITY OF ALL CHRISTIANS UNDER THE WORD IS EQUAL? THAT OF THE BISHOP AS THAT OF THE INDIVIDUAL CHRISTIAN, THAT OF THE ECUMENICAL COUNCIL AS THAT OF THE CONGREGATIONAL ASSEMBLY? IS THERE, THEN, NO SPECIAL AUTHORITY UNDER THE WORD OF GOD? AND IF THERE IS, FROM WHERE DOES IT COME AS A SPECIAL ONE? ("NICHTS GEGEN DIE AUTORITAET DES WORTES GOTTES AUCH UEBER DIE KONZILIEN! ABER-SO MUSS HIER DIE FRAGE DES KATHOLISCHEN THEOLOGEN AN LUTHER LAUTEN - WIE STEHT ES NUN MIT DER AUTORITAET UNTER DER AUTORITAET DES WORTES GOTTES? ALLE CHRISTEN STEHEN UNTER DEM WORT: HEISST DAS, DASS ALLER CHRISTEN AUTORITAET UNTER DEM WORT GLEICH IST? DIE DES EPISKOPOS WIE DIE DES EINZELCHRISTEN, DIE DES OEKUMENISCHEN KONZILS WIE DIE DER GEMEINDEVERSAMMLUNG? GIBT ES ALSO KEINE BESONDERE AUTORITAET UNTER DEM WORTE GOTTES? UND FALLS ES SIE GAEBE, WOHER STAMMT SIE GERADE ALS BESONDERE?")

Roman Catholic doctrine from Gregory VII up to Vatican II - what then about the exercise of authority under the authority of papal supremacy in a concrete given case? All Christians as the totality of believers are incapable of erring in their faith:[21] Does this mean that there are differences in the exercise of this one "infallible faith"? Some Christians being more and some less infallible in their faith according to the various offices which they hold in the hierarchical structure of the church? Is there, then, no equality in the exercise of faith? And if there is, can the authority of a divinely instituted hierarchy be executed against the faith with which a person bears witness to the authority of Jesus Christ as the crucified and risen Lord?

In the conciliar period of the fifteenth century, the problem was precisely this task of finding a system for the exercise of ecclesiastical power which would allow for a free confession of the ultimate authority of Jesus Christ as the Lord of the Church. The Council of Constance clearly recognized the need for a new order for the church's ministry, and on April 6th, 1415, it made the revolutionary break with the principle of papal supremacy as it had been established by the Gregorian reforms, by declaring that:

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21. "Constitutio Dogmatica de Ecclesia", art. 12, in Concilio Vaticano II, Biblioteca de Autores Cristianos, Madrid, 1965, p. 28: "The totality of believers, which possesses the anointment of the Holy One (cf. I. John 2:20 and 27), is incapable of erring in faith and manifests this its particular possession through the supernatural sense of faith of the entire people when it shows its universal agreement in matters of faith and morals from the bishops unto the last lay believers." ("Universitas fidelium, qui unctionem habent a Sancto (cf. I Io 2,20 et 27), in credendo falli nequit, atque hanc suam peculiarem proprietatem mediante supernaturali sensu fidei totius populi manifestat, cum ab Episcopis usque ad extremos laicos fideles universalem suum consensum de rebus fidei et morum exhibet.")

"This holy Synod of Constance ... being legitimately assembled in the Holy Spirit, holding a general council, and representing the Catholic Church, possesses directly from Christ the power to which everyone - of whatever estate or dignity he may be, even if it be of papal dignity - has to be obedient in matters concerning the faith and the termination ... of the schism and the reformation of the church ..." 22

But the case of Hus proved at the same time that the Council was not willing to give up the idea of a divinely instituted organ whose authority can be exercised without restraint against those who do not submit to it although they may bear witness to Jesus Christ.

The Bohemian preacher had not come to Constance to start a battle against the pope or the council as such. He had been summoned to defend his doctrines which in view of the doctrinal confusion at this moment were no less heretical than the opinions expressed by others, the discord among the church authorities offering him as much of a chance of protection as the letter of safe conduct by the Emperor Sigismund. As is generally known, however, both of these considerations failed him. Shortly after his arrival he was arrested by John XXIII, the pope who tried to escape from the Council for fear of the charges to be levelled against himself, and who was himself taken prisoner three and a half months before Hus was executed on July 6th, 1415.

In his defense, Hus pointed out the impossibility of defending the authority of the church by means of an unimpeachable institution, be it

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22. Mirbt, op. cit., p. 94: "Haec sancta synodus Constantiensis ... ipsa in Spiritu sancto legitime congregata, concilium generale faciens et ecclesiam catholicam repraesentans, potestatem a Christo immediate habet, cui quilibet cuiuscunque status vel dignitatis, etiamsi papalis existat, obedire tenetur in his, quae pertinent as fidem et exstirpationem ... schismatis et reformationem ecclesiae ..."

OF THE PAPAL OFFICE, BE IT OF A COUNCIL. HE MAINTAINED THAT THE PLENITUDE OF HOLY AUTHORITY MANIFESTS ITSELF ONLY THROUGH AN ACT OF THE FREE GRACE OF GOD:

> "WITHOUT A REVELATION IT IS IMPOSSIBLE FOR ANYONE TO ASSERT REASONABLY OF HIMSELF OR OF ANYBODY ELSE THAT HE IS THE HEAD OF A PARTICULAR CHURCH; NOT EVEN THE ROMAN PONTIFF IS THE HEAD OF THE PARTICULAR ROMAN CHURCH. IT IS NOT NECESSARY TO BELIEVE THAT HE WHO IS THE ROMAN PONTIFF IS THE HEAD OF ANY ONE PARTICULAR HOLY CHURCH UNLESS HE IS PREDESTINED BY GOD." 23

THE ONE, HOLY, AND UNIVERSAL CHURCH, WHICH IS DEFINED BY HUS AS THE TOTALITY OF GOD'S ELECT,[24] IS CALLED INTO BEING AND KEPT ALIVE BY GOD'S OWN FREE ACT AND THUS CAN BE GRASPED ONLY BY FAITH.[25] MORE IMPORTANT THAN SUCCESSION IN AN OFFICE IS THEREFORE CHRIST'S DEMAND THAT HIS SERVANTS FOLLOW HIM AS WAS DONE BY THE FIRST DISCIPLES; FOR

> "NOBODY CAN REPRESENT CHRIST OR PETER IF HE DOES NOT FOLLOW HIM IN HIS CONDUCT: SINCE NO OTHER SUCCESSION IS AS RELEVANT AS THIS ONE AND THE DELEGATED AUTHORITY IS NOT RECEIVED FROM GOD IN ANY OTHER WAY." 26

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23. "ERRORES IOHANNIS HUS", ART. 10 & LL IN HEINRICH DENZINGER: ENCHIRIDION SYMBOLORUM, 31ST EDITION, HERDER, BARCELONA, 1960, P. 245: "NULLUS SINE REVELATIONE ASSERERET RATIONABILITER DE SE VEL ALIO, QUOD ESSET CAPUT ECCLESIAE PARTICULARIS, NEC ROMANUS PONTIFEX EST CAPUT ROMANAE ECCLESIAE PARTICULARIS. NON OPORTET CREDERE, QUOD ISTE, QUICUNQUE EST ROMANUS PONTIFEX, SIT CAPUT CUIUSCUNQUE PARTICULARIS ECCLESIAE SANCTAE, NISI DEUS EUM PRAEDESTINAVERIT."

24. IBID., ART. 1: "ONE IS THE HOLY UNIVERSAL CHURCH WHICH IS THE TOTALITY OF THE PREDESTINED." ("UNICA EST SANCTA UNIVERSALIS ECCLESIA, QUAE EST PRAEDESTINATORUM UNIVERSITAS.")

25. IBID., ART. 6: "THE CHURCH IS AN ARTICLE OF FAITH." ("ECCLESIA EST ARTICULUS FIDEI.")

26. IBID., ART. 12: "NEMO GERIT VICEM CHRISTI VEL PETRI, NISI SEQUATUR EUM IN MORIBUS: CUM NULLA ALIA SEQUELA SIT PERTINENTIOR, NEC ALITER RECIPIAT A DEO PROCURATORIAM POTESTATEM." GRAMMATICALLY IT IS NOT CLEAR WHETHER "EUM" REFERS HERE TO CHRIST OR TO PETER AS THE ONE TO BE FOLLOWED. BUT IN HUS' CONCEPT THERE IS NO DISTINCTION BETWEEN FOLLOWING CHRIST AND FOLLOWING THE APOSTLES; IT IS ONE AND THE SAME FOLLOWING. CF. JOHN HUS, "ON SIMONY" IN ADVOCATES OF REFORM, ED. BY MATTHEW SPINKA, LIBRARY OF CHRISTIAN CLASSICS, VOL. XIV, WESTMINSTER, PHILADELPHIA, 1953, P. 232: "... THE SONS OF ANTICHRIST ... REGARD ANYONE WHO DESIRES TO FOLLOW CHRIST AND HIS APOSTLES AS A FOOL."

In this concept the authority of the church is a spiritual one, but one that can be identified as authentically apostolic when its representatives follow Christ's own spirit of servanthood in their personal lives together with the first disciples and under the direction of their witness. According to Hus, the pope is not necessarily to be excluded from this apostolic succession. But he and every other minister is a representative of Christ only to the extent that he accepts as binding for himself the authority of the apostolic testimony. There is thus no room for an unimpeachable exercise of juridical and historical privileges by the holders of ecclesiastic offices. Scripture is the criterion according to which the church's "relevancy" is to be judged. The inordinate powers which the Roman pontiff enjoys by virtue of his office are an addition that is not based on a true succession of the apostles. "Papal dignity has crept in from the emperor, and the perfection and institution of the pope has issued from the power of the emperor."[27]

This was not the singular view of a heretic. At least in the most critical point of his trial Hus could count on the support of orthodox teachers with great influence. The distinction between two lines of succession - a truly apostolic succession in the spirit and an institutional succession of the illegitimate powers of the ecclesiastical offices - was not his own; nor was it merely a copy of the concept held by his teacher John Wyclif. Soon after the Gregorian reforms, it had already been made

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27. Ibid., art. 9: "Papalis dignitas a Caesare inolevit, et Papae perfectio et institutio a Caesaris potentia emanivit."

BY BERNARD OF CLAIRVAUX WHEN WARNING POPE EUGENE III, A STUDENT OF HIS, AGAINST THE DANGERS OF THE SUDDEN INCREASE OF PAPAL POWERS:

> "IN THESE THINGS YOU HAVE ENTERED THE SUCCESSION NOT OF PETER BUT OF CONSTANTINE. MY ADVICE IS THAT THEY BE TOLERATED FOR THE TIME BEING, BUT THAT THEY NOT BE SOUGHT AFTER AS SOMETHING WHICH IS DUE. ... ABOVE ALL, DO NOT FORGET THAT THE HOLY ROMAN CHURCH, OVER WHICH YOU PRESIDE BY THE AUTHORITY OF GOD, IS THE MOTHER BUT NOT THE RULER OVER THE CHURCHES, THAT YOU, INDEED, ARE NOT THE LORD OVER THE BISHOPS BUT ONE OF THEM; MOREOVER A BROTHER OF THOSE WHO LOVE GOD AND A COMPANION OF THOSE WHO FEAR HIM." 28

HERE THEN WAS A BOLD NEW START WHICH FACED UP TO THE DIVISION IN THE CHURCH CAUSED BY THE BREAKDOWN OF AUTHORITY, - BUT A NEW START WHICH DID NOT CONSTITUTE A COMPLETE BREAK WITH THE PAST. BY RETURNING TO THAT PART OF TRADITION WHICH SAW THE CONTINUITY OF THE CHURCH IN THE SUCCESSION OF THE APOSTOLIC TESTIMONY, RATHER THAN IN A SUCCESSION OF JURIDICAL AND HISTORICAL PRIVILEGES, HUS SOUGHT TO INDICATE THE DIRECTION IN WHICH ANY MOVEMENT HAD TO GO WHICH WAS TO REFORM THE CHURCH AT HEAD AND MEMBERS. HE DID NOT INTEND AN ABOLITION OF THE ECCLESIASTICAL OFFICES ANY MORE THAN HAD BEEN DONE BY BERNARD OF CLAIRVAUX. BUT BY DEFINING THE ULTIMATE PURPOSE WHICH THEY WERE TO SERVE, HE CALLED FOR A REFORM WHICH WOULD MANIFEST ITS APOSTOLICITY THROUGH A DISCIPLESHIP THAT LIVES IN OBEDIENCE TO JESUS CHRIST AS THE CRUCIFIED AND RISEN LORD. 29

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28. BERNARD OF CLAIRVAUX: "DE CONSIDERATIONE LIBRI V", LIB. IV C.III.6 AND C.VIII.24 IN MIRBT, OP. CIT., P. 68: "IN HIS SUCCESSISTI NON PETRO, SED CONSTANTINO. CONSULO TOLERANDA PRO TEMPORE, NON AFFECTANDA PRO DEBITO. ... CONSIDERES ANTE OMNIA SANCTAM ROMANAM ECCLESIAM, CUI DEO AUCTORE PRAEES, ECCLESIARUM MATREM ESSE, NON DOMINAM; TE VERO NON DOMINUM EPISCOPORUM SED UNUM EX IPSIS; PORRO FRATREM DILIGENTIUM DEUM ET PARTICIPEM TIMENTIUM EUM."

29. FOR A CONTEMPORARY EXPOSITION OF APOSTOLIC SUCCESSION AS "FOLLOWING CHRIST AND THE APOSTLES" SEE KARL BARTH: KIRCHLICHE DOGMATIK IV/1, ZOLLIKON-ZUERICH, 1953, PP. 798FF.

But the assembled "39 dukes, 32 counts and barons of princely rank, 141 lesser counts 71 minor barons, 1,500 knights, and 20,000 squires" as well as the "33 cardinals, 350 bishops, 564 abbots, and some 2,000 doctors from 37 European universities"[30] were in no mood to follow the radical views of the Bohemian reformer. For the political leaders, if they were able to understand the complexity of the issue at all, there did not exist a compelling reason for changing an ecclesiastical establishment which had the advantage of being time-honored and which, because of its own inconsistencies, could no longer exercise an effective restraint on the pursuit of political interests. The church leaders, on the other hand, did not feel any enthusiasm for a concept of the church which, once it would be put into practice, would result for them in a heavy loss of personal privilege and influence.

The rival parties which in the council were competing for a victory of either papal or conciliar supremacy thus were given a common rallying point which rescued them from their quarrels: the charge of heresy against the disturbing preacher from Bohemia. Their final judgment was worse than the simple execution of a person. According to the opinion of the time, Hus was committed to eternal punishment the very moment in which he was turned over to the secular authorities to be burned.[31]

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30. Schwiebert, op. cit., p. 26

31. Cf. the epistle "Super quibusdam" of Clemens V of September 29, 1351 in Denzinger, op. cit., p. 238: "... that all who have raised themselves against the faith of the Roman Church and who in final impenitence have died, are damned and have descended to the everlasting pains of hell." ("...omnes, qui se contra fidem Romanae Ecclesiae erexerunt, et in finali impoenitencia mortui fuerunt, damnatos fuisse et ad perpetua infernorum supplicia descendisse.")

It has been pointed out with justification that Hus had not yet developed his concepts into a comprehensive theological system, and that some of them had been formulated in too blunt a manner. But with the same justification it has been said that his judges stood in even greater need of a clear answer to the question: By what authority did you do that?[32] If the term "authority" is to be used at all in this case, there is only one answer to the vexing problem: By the authority of what Roman Catholic historians today begin to call "this headless church."[33] With an untainted sense of justice the well known Roman Catholic L'Histoire de L'Église of Fliche-Martin describes the martyrdom of Hus:

> "Hus was the first victim of such a situation in which it had become impossible to know where the power was in the Church, by the fault of the ecclesiastical dignitaries whose crimes - fatal for the Christian people - he had denounced, now and then in a clumsy manner, but with clarity and courage."[34]

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32. Cf. Fliche-Martin, 14, p. 1005: "Without doubt it is impossible to reconcile such a doctrine [of Hus] with the demands of theology; but with good reason it has been pointed out that the doctrine of the judges of Hus was even more incorrect since they proclaimed the superiority of the council over the pope, reducing him hereby to being only the executive power within an aristocratic church." ("Pareille doctrine est sans doute impossible à concilier avec les exigences de la théologie; mais on a fait remarquer avec raison que la doctrine des juges de Huss était encore plus incorrecte, puisqu'ils proclamèrent la supériorité du concile sur le pape et réduisirent celui-ci à n'être qu'un pouvoir exécutif dans une Église aristocratique.")

33. Ibid., p. 1012: "cette Église décapitée"

34. Ibid., p. 1013: "Huss a été la première victime d'une situation telle qu'il était devenu impossible de savoir où était le pouvoir dans l'Église, par la faute de dignitaires ecclésiastiques dont il avait dénoncé, maladroitement parfois, mais avec lucidité et courage, les méfaits mortels pour le peuple chrétien." For a comparison with a recent Protestant evaluation see the equivocal interpretation given by Herbert Grundmann in Ketzergeschichte des Mittelalters (Die Kirche

THE SACRIFICE OF JOHN HUS WAS UTTERLY SENSELESS. IT CANNOT EVEN BE JUSTIFIED ON THE GROUNDS OF DEFENDING A SEMBLANCE OF UNITY IN THE CHURCH. THE FORMER PRINCIPLE OF PAPAL AUTHORITY HAD BEEN BROKEN BY THE COUNCIL'S ASSERTION OF CONCILIAR SUPREMACY. ALTHOUGH THE COUNCIL THUS SUCCEEDED IN REPLACING THE THREE RIVAL POPES BY A NEW POPE, THERE DID NOT HOWEVER EMERGE A COMMON UNDERSTANDING ON WHICH DIRECTION THE URGENTLY NEEDED REFORM SHOULD TAKE OR WHICH ULTIMATE PURPOSE IT SHOULD SERVE. THE DECREE "FREQUENS"[35] OF OCTOBER 9, 1417 LIMITED ITSELF TO THE ESTABLISHMENT OF GENERAL COUNCILS AS A PERMANENT INSTITUTION TO BE CONVOKED BY THE POPE AT REGULAR INTERVALS. HOWEVER, PRECISELY THE ATTEMPT TO MAKE THE AUTHORITY OF THE FUTURE COUNCILS UNLIMITED LEFT THE INTENTION OF THE PROPOSED REFORM SO BROAD AND VAGUE THAT THIS DECREE TURNED OUT TO BE A COMPROMISE TO WHICH THE DIFFERENT CONFLICTING VIEWPOINTS COULD SAFELY SUBSCRIBE WITHOUT ABANDONING THE POLEMICS OF THEIR PARTICULAR POSITIONS. THE UNITY BETWEEN PAPALISTS AND CONCILIARISTS,

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IN IHRER GESCHICHTE, G 1), ED. BY KURT DIETRICH SCHMIDT AND ERNST WOLF, VANDENHOECK & RUPRECHT, GOETTINGEN, 1963, P. 63: "THAT A PERSON, NOT ELECTED BY GOD, OR EVEN A MORTAL SINNER, COULD NOT BE A TRUE PRIEST, BISHOP, POPE, OR EVEN KING, EVEN IF HOLDING HIS OFFICE BY LAW, - THIS CONVICTION WHICH COULD EASILY BE MISUNDERSTOOD AND WAS NOT ALWAYS CLEARLY FORMULATED, TOGETHER WITH ITS CONSEQUENCES FOR THE TRUE CHRISTIANS WHICH OFTEN WERE PREACHED IN A PROVOCATIVE MANNER, TURNED OUT TO BE HIS [HUS'] DOOM. SINCE HE WAS THEREFORE CONDEMNED AS A HERETIC BY THE COUNCIL AND WAS NOT PROTECTED FROM THE STAKE BY SIEGMUND'S LETTER OF SAFE CONDUCT, HE BECAME FOR THE CZECHS IN EFFECT A NATIONAL MARTYR." ("DASS EIN NICHT VON GOTT ERWAEHLTER, GAR EIN TODSUENDER KEIN 'WAHRER' PRIESTER, BISCHOF, PAPST ODER AUCH KOENIG SEIN KOENNE, MAG ER AUCH VON RECHTS WEGEN AMTIEREN, DIESE LEICHT MISSZUVERSTEHENDE, NICHT IMMER KLAR FORMULIERTE UEBERZEUGUNG MIT IHREN OFT AUFREIZEND GEPREDIGTEN FOLGERUNGEN FUER DIE 'WAHREN' CHRISTEN WURDE SEIN VERHAENGNIS. WEIL ABER DAS KONZIL IHN DESHALB ALS KETZER VERDAMMTE UND SIEGMUNDS GELEITBRIEF IHN NICHT VOR DEM SCHEITERHAUFEN BEWAHRTE, WURDE ER DEN TSCHECHEN GERADEZU ZUM MAERTYRER IHRES VOLKES.")

35. MIRBT, OP. CIT., P. 94

WHICH HAD SHOWN ITSELF IN THE COMMON REJECTION OF HUS' PRINCIPLE OF A SERVING DISCIPLESHIP, THUS REMAINED MERELY THE NEGATION RATHER THAN AFFIRMATION OF A PRINCIPLE OF AUTHORITY, A NO AND NOT A YES! A NEW PRINCIPLE OF AUTHORITY WHICH MIGHT GOVERN AND DIRECT THE CHRISTIAN MINISTRY IN THE FUTURE HAD NOT BEEN FOUND.

THE SERVANT OF SERVANTS

THE DISPUTES OVER PAPALIST AND CONCILIARIST THEORIES WERE FAR FROM BEING SETTLED BY THE COUNCIL OF CONSTANCE. FOR MORE THAN A CENTURY, UP INTO THE DAYS OF MARTIN LUTHER, THEY WERE TO KEEP THE CHURCH STRANGELY OBSESSED WITH THE PROBLEM OF SUPREMACY RATHER THAN WITH THAT OF SERVICE. IN A LETTER TO POPE LEO X OF SEPTEMBER 6TH, 1520, LUTHER WAS TO SHOW A SINCERE APPRECIATION FOR THE DILEMMA OF THE ROMAN PONTIFF, WHICH WAS CAUSED BY THE HIGH CLAIMS OF HIS OFFICE WHICH MADE IT IMPOSSIBLE TO BE IN FACT THE "SERVANT OF SERVANTS".

THE FIRST ONE TO EXPERIENCE THE UNRESOLVED TENSIONS AFTER THE COUNCIL OF CONSTANCE WAS, NO DOUBT, ODDO COLONNA, THE NEW POPE HIMSELF, WHO NOW ASSUMED THE NAME OF MARTIN V. DURING THE COUNCIL HE HAD BEEN A MODERATE SPOKESMAN FOR THE CONCILIAR THEORY IN AN EFFORT TO MEDIATE BETWEEN THE MORE RADICAL ADVOCATES OF EITHER SIDE. AS KUENG POINTS OUT, AS AN ARDENT PAPALIST HE COULD NOT HAVE OBTAINED ELECTION FROM THE ASSEMBLY, THE MAJOR-

ITY OF WHICH BELIEVED IN CONCILIAR SUPREMACY.[36] HOWEVER ONCE HE HAD SECURED THE HOLY SEE, "THE EXTREMELY DEXTROUS COLONNA-POPE DID EVERYTHING WITHIN HIS POWER TO CONSOLIDATE AGAIN THE POSITION OF THE POPE AND TO REPRESS THE INFLUENCE OF RADICAL CONCILIARISM".[37] THE LACK OF PRECISION WITH WHICH THE DECREES OF CONSTANCE REFERRED TO THE REFORMS TO BE TAKEN GAVE HIM THE BEST OPPORTUNITY FOR SUCH A POLICY. HE HONORED THE DECISIONS OF THE COUNCIL OUTWARDLY BY CONVENING THE NEXT ASSEMBLY PRECISELY AT THE TIME FOR WHICH IT HAD BEEN SCHEDULED BY THE DECREE "FREQUENS". YET HE ALSO QUICKLY DISSOLVED THIS SYNOD OF 1423, WHICH HAD BEEN CALLED TO PAVIA AND WAS THEN TRANSFERRED TO SIENA, BEFORE IT HAD A CHANCE TO TREAT SERIOUSLY THE REFORMATION OF THE CHURCH. DISPENSING WITH ENDLESS CONCILIAR DEBATES, THE NEW POPE WANTED TO TRY HIS OWN HAND AT A DIPLOMACY WHICH ARBITRATED BETWEEN THOSE FORCES IN THE CHURCH STILL SET AGAINST EACH OTHER AS A RESULT OF THE LONG SCHISM.

COLONNA'S ATTEMPT TO KEEP THE CHURCH ON A MIDDLE LINE UNDER THE POPE AS HER PRINCIPAL ARBITRATOR PRODUCED VERY MEAGER RESULTS INDEED. FRANCE AND ENGLAND, ALTHOUGH THEY NOW RECOGNIZED THE SAME POPE, CONTINUED TO FIGHT THE HUNDRED YEARS' WAR. THE GERMAN PRINCES KEPT ON HAVING THEIR FEUDS ONE WITH ANOTHER. THERE WAS NO ONE TO BRING INTO SUBMISSION THE FOLLOWERS OF HUS WHO TRIED TO REVENGE THE BLOOD OF THEIR COUNTRYMAN BY RAIDING THE NEIGHBORING COUNTRIES. NOT EVEN THE ATTEMPTS AT RESTORING PEACE WITHIN THE MONASTIC COMMUNITIES HAD ANY SUCCESS. THE SPLIT WIDENED BETWEEN THE OBSERVANTS, WHO ADVOCATED A STRICT ENFORCEMENT OF MONASTIC

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36. KUENG, OP. CIT., P. 251

37. IBID., P. 252: "DER SEHR GEWANDTE COLONNA-PAPST TAT ALLES, UM DIE STELLUNG DES PAPSTES WIEDER ZU FESTIGEN UND DEN EINFLUSS DES RADIKALEN KONZILIARISMUS ZURUECKZUDRAENGEN ..."

POVERTY, AND THE CONVENTUALS, WHO TRIED TO SAVE THE "CONVENTUAL HOUSES", I.E. THE COMMON PROPERTY ACCUMULATED THROUGH THE CENTURIES BY THE MONASTERIES, AS FOR EXAMPLE WITH THE FRANCISCANS. "THE REAL PURPOSE OF THE CHAPTER HELD IN ASSISI IN 1430, OF UNITING THE CONVENTUALS AND OBSERVANTS ON A MIDDLE LINE, WAS NOT ACHIEVED. TO THE CONTRARY THE SEPARATING INCREASED AMONG THE TWO FAMILIES."[38]

THUS IT WAS NO SURPRISE THAT THE CONCILIARISTS FORCED COLONNA'S SUCCESSOR, EUGENE IV, INTO A STRICT OBSERVANCE OF THE DECREES OF CONSTANCE. THE CONCILIARIST MOVEMENT REACHED ITS CLIMAX AT THE COUNCIL OF BASEL, 1431-1437, WHICH INTRODUCED SWEEPING CHANGES IN THE CHURCH'S ADMINISTRATION AND FORCED THE POPE INTO WHAT SEEMED TO BE A COMPLETE SUBMISSION TO CONCILIAR AUTHORITY, - BY DRASTICALLY CUTTING OFF HIS REVENUES, BY USURPING FOR ITSELF THE RIGHT OF GRANTING INDULGENCES, AND BY ESTABLISHING NEW LAWS FOR THE ELECTION OF POPES AS WELL AS FOR THE NOMINATION OF THE HIGHER CLERGY. THIS ASSEMBLY, WHILE IT SUCCEEDED IN MAKING PEACE WITH ONE FACTION OF THE FOLLOWERS OF HUS BY GRANTING THEM THE CONCESSION OF THE LAY CHALICE, FAILED COMPLETELY IN THE QUESTION OF A GENERAL CHURCH REFORM. SPENDING ITS FORCE ON THE TRANSFER OF PAPAL PREROGATIVES TO ITSELF, THE COUNCIL OF BASEL WAS UNABLE TO DEVELOP A NEW ORDER OF CHRISTIAN SERVICE THAT COULD BE APPLIED TO THE WHOLE CHURCH. WHEN EUGENE IV TRANSFERRED IT FIRST TO FERRARA AND THEN TO FLORENCE, ONLY A SMALL NUMBER

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38. P. DR. FERDINAND DOELLE, O.F.M.: "DIE OBSERVANZBEWEGUNG IN DER SAECHSISCHEN FRANZISKANERPROVINZ BIS ZUM GENERALKAPITEL VON PARMA 1529" IN REFORMATIONSGESCHICHTLICHE STUDIEN U. TEXTE, HEREAFTER ABBREVIATED AS REF. ST. U. T., ED. BY JOSEPH GREVING, HEFT 30 & 31, MUENSTER, 1918, P. 5: "DER EIGENTLICHE ZWECK DES 1430 IN ASSISI GEHALTENEN KAPITELS, DIE KONVENTUALEN UND OBSERVANTEN AUF EINER MITTELLINIE ZU VEREINIGEN, WURDE ALSO NICHT ERREICHT. IM GEGENTEIL WURDE DIE KLUFT ZWISCHEN BEIDEN FAMILIEN IMMER GROESSER."

OF CONCILIARISTS REMAINED IN BASEL PROCEEDING WITH WHAT WAS TO BE CALLED "THE LITTLE COUNCIL" OF BASEL, IN OPEN DEFIANCE OF PAPAL SUPREMACY, BY FORMALLY DEPOSING EUGENE IV AND CHOOSING DUKE AMADEUS OF SAVOY TO ACT AS COUNTER-POPE. THE LATTER TRIED TO DO SO, WITHOUT MUCH SUCCESS, UNDER THE TITLE OF FELIX V. AFTER THE DEATH OF EUGENE IV IN 1447, EVEN THIS GROUP OF ARDENT ANTI-PAPALISTS GAVE UP ITS RESISTANCE AND ACKNOWLEDGED NICHOLAS V AS THE TRUE POPE. THE ASSERTION OF CONCILIAR SUPREMACY ALONE HAD PROVEN TO BE A FAILURE IN BRINGING ABOUT THE DESIRED REFORM IN THE CHURCH.

ALTHOUGH MOST OF ITS FORCE WAS LOST, CONCILIARISM STILL WAS NOT DEAD. TO THE CONTRARY, IT CONTINUED TO BE A SERIOUS THREAT TO THE RESTORATION OF PAPAL SUPREMACY. ACCORDING TO THE LAWS WHICH REGULATED SUCCESSION WITHIN THE HIERARCHICAL INSTITUTION OF THE CHURCH AT THAT TIME, THE LEGITIMACY OF ALL PAPAL CLAIMS DEPENDED UPON THE ACCEPTANCE OF THE DECREES OF CONSTANCE. ROMAN CATHOLIC RESEARCH TODAY OPENLY ADMITS "THAT MARTIN V WOULD HAVE CUT OFF THE BRANCH ON WHICH HE WAS SITTING BY NOT RECOGNIZING THE CONCILIAR DECREES SINCE THE VALIDITY OF HIS ELECTION DEPENDED UPON THE BINDING FORCE OF THE COUNCIL."[39] BUT THIS PRECARIOUS SITUATION WAS NOT LIMITED TO ODDO COLONNA ALONE. IT WAS THE INHERITANCE OF ALL THE POPES WHO FOLLOWED HIM, AS HAS BEEN DEFINED WITH CLASSICAL PRECISION BY CARDINAL CESARINI IN A LETTER OF JUNE 5TH, 1432, TO EUGENE IV:

> "FOR IF SOMEONE WOULD HAVE SAID THAT THE DECREES OF THIS COUNCIL WERE INVALID, IT WOULD HAVE BEEN NECESSARY TO CONCEDE THAT ALSO THE DEPOSITION OF JOHN XXIII WAS INVALID WHICH AT THAT TIME WAS

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39. BAEUMER, op. cit., P. 503: "... DASS SICH MARTIN V MIT DER NICHT-ANERKENNUNG DER KONZIL DEKRETE SELBST DEN BODEN UNTER DEN FUESSEN WEGGENOMMEN HAETTE, DA JA VON DER VERBINDLICHKEIT DES KONZILS, DAS IHN GEWAEHLT HATTE, DIE GUELTIGKEIT SEINER WAHL ABHING."

made on the strength of these decrees. But if that [deposition] was invalid, then the election of pope Martin could not be maintained since it was made still during the lifetime of that one [John XXIII]. But if Martin was not the pope, then your Holiness is not the pope either since you have been elected by cardinals created by him." 40

For the teachers of the church the result was an embarrassing conflict of different claims which was only enhanced when in the second partoof the century the popes began openly to condemn the supreme authority of a council. In the bull "Exsecrabilis" of January 18th, 1460, Pius II decreed that any appeal from the Roman pontiff to a future council must by itself be interpreted not as a desire for sounder judgment but as the evasion of a committed sin.[41] Although the following popes were quick to repeat the prohibition of an appeal from the pope to a council, there was no shortage of teachers who defended the obligatory character of the Constance decrees and therefore questioned the validity of the restrictions which the popes sought to lay upon the authority of a council. They were found not only in Paris, the original center of conciliarism, but also at the papal court in Rome, as for example Giovanni Gozzadini.[42]

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40. Kueng, op. cit., p. 255: "Nam si quis dixerit Decreta illius Concilii non esse valida, fateri necesse habet, privationem olim Johannis XXIII. factam vigore illorum Decretorum non valuisse. Si illa non valuit, nec Papae Martini tenuit electio facta illo adhuc superstite. Si Martinus non fuit Papa, nec Sanctitas vestra est, quae per Cardinales ab ipso factos electa est."

41. Denzinger, op. cit., p. 267: "... some are as presumptuous as to make an appeal from the Roman Pontiff, the vicar of Christ, to a future council, imbued with a spirit of rebellion, not out of a desire for sounder judgment, but for the evasion of a committed sin ..." ("... a Romano Pontifice, Jesu Christi vicario, ... nonnulli spiritu rebellionis imbuti, non sanioris cupiditate iudicii, sed commissi evasione peccati ad futurum Concilium provocare praesumant ...")

42. Kueng, op. cit., p. 256: "... as Giovanni Gozzadini at the court of Julius II. He defended the Constance decrees as articles of faith there still in 1511 and contested the obliging force of the prohibi-

Even after the outbreak of the Protestant reformation reputable teachers within the Roman Catholic Church taught that

> "... the holy and sacred Council of Constance declared that a council has its authority over the supreme pontiff as well as over the rest of the members directly from God. Now a council lawfully assembled cannot err." 43

The defense which papal supremacy could receive from the theologians at the beginning of the sixteenth century was thus a matter full of controversy and precisely for this reason quite limited in its value. In the attempt of establishing itself as the unimpeachable authority within the church, the papal office therefore had to look for help from other quarters. If the help the teachers of the church could offer was weakened by controversy, there were political powers which did not suffer from the same restriction. These were the princes who for some time had been striving for the full autonomy of their territories and who now turned out to be valuable helpers for the restoration of papal supremacy. Already in the period of the schism, the princes had been appealed to by the counterpopes in the defense of their conflicting claims. Now the schism had been ended at least outwardly. But the princes continued to prove themselves indispensible in the defense of the papal rights against the threat of conciliarism. Justus Hashagen has defined the particular relationship which at

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bition of appeals." ("... wie Giovanni Gozzadini am Hofe Julius' II. Dieser verteidigte dort noch 1511 die Konstanzer Dekrete als Glaubensartikel und bestritt die Verbindlichkeit des Appelationsverbotes.")

43. John Major: "Disputation on the Authority of a Council" of 1529 in Advocates of Reform, ed. by Matthew Spinka, Library of Christian Classics, Vol. XIV, Westminster, Philadelphia 1953, p. 182.

THAT TIME GREW BETWEEN THE PRINCES AND THE POPE AS THAT OF A "COLLUSION RATHER THAN THAT OF A COLLISION".[44] HE DEFENDS HIS THESIS THROUGH THE FOLLOWING OBSERVATION:

> "THE OPPOSITION OF ARCHBISHOPS AND BISHOPS, OF THE CHAPTERS OF CATHEDRALS AND BENEFICES, OF THE GENERAL VICARS AND PROVINCES OF MONASTIC ORDERS, OR EVEN OF INDIVIDUAL MONASTERIES - ESPECIALLY WHEN IT WAS CONDENSED INTO AN EPISCOPALISM BY PRINCIPLE - COULD OFTEN BE OVERTHROWN OR AT LEAST CURBED AND MADE HARMLESS ONLY THROUGH THE HELP OF THE SECULAR POWERS, SINCE THE TERRITORIAL LORDS, IF ONLY THEY WERE GRANTED SOMEWHAT A FREE HAND BY THE CURIA, COULD OFTEN EXERCISE A GREATER INFLUENCE THAN EVEN THE CURIA ITSELF UPON THE PRELATES, INSTITUTES, AND ORGANISATIONS WITHIN THEIR TERRITORIES. ... THE MORE POWERFULLY THE CONCILIAR CONCEPT ROSE AT TIMES AND THE LONGER IT MAINTAINED ITSELF EVEN AFTER AN OUTWARD DECLINE IN THE DIPLOMATIC RELATIONS AND POLITICAL WRITINGS, THE HIGHER ROSE THE VALUE OF THE PRINCES FOR THE CURIA." [45]

THE HELP WHICH THE PRINCES COULD OFFER, EVEN IF IT MAY NOT ALWAYS HAVE GROWN OUT OF A DEEP CONVICTION OF FAITH, WAS THEIR SUPPORT OF THE STEADY INCREASE IN FINANCIAL AND JURIDICAL PRIVILEGES WHICH THE PAPAL OFFICE SOUGHT TO ACCUMULATE AT THE TURN OF THE FIFTEENTH TO THE SIXTEENTH CENTURIES.

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44. JUSTUS HASHAGEN: "DIE VORREFORMATORISCHE BEDEUTUNG DES SPAETMITTELALTERLICHEN LANDESHERRLICHEN KIRCHENREGIMENTS" IN ZEITSCHRIFT FUER KIRCHENGESCHICHTE, VOL. 41, 1922, P. 67.

45. IBID., P. 69: "DER WIDERSTAND VON ERZBISCHOEFEN UND BISCHOEFEN, DOM- UND STIFTSKAPITELN, ORDENSGENERALEN, - PROVINZEN ODER SOGAR EINZELNER KLOESTER, BESONDERS WENN ER SICH ZU EINEM GRUNDSAETZLICHEN EPISKOPALISMUS VERDICHTETE, LIESS SICH OFT NUR MIT HILFE DER WELTLICHEN MAECHTE NIEDERWERFEN ODER WENIGSTENS EINSCHRAENKEN UND UNSCHAEDLICH MACHEN, DA DIE LANDESHERREN, WENN IHNEN DIE KURIE NUR EINIGERMASSEN FREIE HAND LIESS, AUF DIE IN IHREN MACHTBEREICH BEFINDLICHEN PRAELATEN, INSTITUTE UND ORGANISATIONEN OFT EINEN GROESSEREN EINFLUSS AUSUEBEN KONNTEN ALS SELBST DIE KURIE. ... JE MAECHTIGER DER KONZILSGEDANKE ZU ZEITEN ANSCHWOLL, UND JE LAENGER ER SICH SELBST NACH SEINER NIEDERWERFUNG IN DIPLOMATIE UND PUBLIZISTIK BEHAUPTETE, UM SO HOEHER STIEG DER WERT DER FUERSTEN FUER DIE KURIE."

For the collection of papal revenues the support of the princes was indispensable since they had the power of closing their territories to the papal delegates. Yet it was the exception rather than the rule that a prince like Frederick the Wise forbade the commissioners of a papal indulgence entrance into Saxony in 1517.[46] In addition the protection by the princes was necessary for the collection of the annates - revenues annually paid to the pope by the churches - and of the "Turkish tax" which the papal treasury exacted for the alleged purpose of preparing a crusade against the infidels and then often used as it saw fit. The princes were quite ready to provide the necessary assistance, especially since they often received a share of these revenues as a token of appreciation for their efforts.[47]

Equally important for the papal rule was a collaboration with the princes in the field of jurisdiction. Joseph Loehr points out: "Where the territorial power increased, the church in the late Middle Ages often suffered also the loss of her jurisdiction over the laity in the area of criminal jurisprudence or at least was curbed in it ..."[48] This observation

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46. As is pointed out by Roland H. Bainton: Here I Stand, New American Library (Mentor Book), New York, 1955, p. 57, Frederic prohibited entrance to the papal commissioners not in protest against the concept of indulgences but in an effort to avoid the competition of too many indulgences, "because he did not wish the indulgence of St. Peter to encroach upon the indulgences of All Saints at Wittenberg."

47. For concrete examples of the sharing of revenues between the princes and the pope see Hashagen, op. cit., p. 72; Paul Kirn: Friedrich der Weise und die Kirche, Beitraege zur Kulturgeschichte des Mittelalters und der Renaissance, Band 30, Leipzig, 1926, p. 122.

48. Joseph Loehr: "Methodisch-kritische Beitraege zur Geschichte der Sittlichkeit des Klerus besonders des Klerus der Erzdioezese Koeln am Ausgang des Mittelalters", Ref.St.u.T., Heft 17, 1910, p. 27: "Wo die Territorialgewalt erstarkte, buesste ausserdem die Kirche vielfach im spaeten Mittelalter auf dem Gebiete der Kriminalgerichtsbarkeit ihre Kompetenz ueber die Laien ein oder wurde darin wenigstens eingeschraenkt ..."

IS MADE WITH FULL JUSTIFICATION. BUT FOR THE TURN OF THE FIFTEENTH TO THE SIXTEENTH CENTURIES IT IS EQUALLY TRUE THAT THE DECLINE IN THE ECCLESIASTICAL JURISDICTION WAS SUFFERED ONLY BY THE CHURCHES WITHIN THE TERRITORIES AND NOT BY THE CHURCH AT LARGE. IN A VERY DETAILED STUDY, ANOTHER ROMAN CATHOLIC SCHOLAR, NIKOLAUS HILLING, HAS DEMONSTRATED THE FABULOUS GROWTH OF THE CURIAL TRIBUNAL, THE SACRED ROMAN ROTA, JUST IN THE DECADES IMMEDIATELY PRECEDING THE REFORMATION. IN THE PERIOD OF TWENTY FOUR YEARS FROM 1489 TO 1513, THE ROMAN TRIBUNAL HELD, BY DRAWING A MAJOR SHARE OF THE LAWSUITS FROM THE ECCLESIASTICAL COURTS IN THE TERRITORIES, ALMOST FOUR TIMES AS MANY TRIALS AS IT DID IN THE PRECEDING PERIOD OF TWENTY FOUR YEARS FROM 1464 TO 1488.[49]

> "AS THE ABUNDANCE OF THE REPORTS ON THE LAWSUITS AND THE IMMENSE NUMBER OF TRIALS REVEAL, THE JURISDICTION OF THE ROTA REACHED ITS CULMINATION OF POWER AND INFLUENCE UNDISPUTEDLY IN THE LAST HALF OF THE FIFTEENTH AND THE BEGINNING OF THE SIXTEENTH CENTURIES. OUT OF THE WHOLE WORLD, PARTICULARLY FROM GERMANY, LAWSUITS FROM ALL AREAS OF JURISPRUDENCE WERE BROUGHT TO ROME, AND THE LARGEST NUMBER OF THEM BY FAR WAS DECIDED BEFORE THE TRIBUNAL OF THE ROTA." [50]

SUCH A CONCENTRATION OF ECCLESIASTICAL JURISDICTION WAS IMPOSSIBLE WITHOUT THE CONSENT OF THE TERRITORIAL LORDS, ESPECIALLY SINCE THE ROTA HAD BEGUN ALSO TO SETTLE SUITS WHICH WERE CONSIDERED TO FALL UNDER THE COMPETENCE OF SECULAR COURTS, SUCH AS CRIMINAL CASES. HILLING'S CLAIM THAT THE ROTA DID NOT DRAW TO ITSELF THESE SECULAR SUITS "ARBITRARILY AND WITHOUT REASON"

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49. NIKOLAUS HILLING: "DIE ROEMISCHE ROTA UND DAS BISTUM HILDESHEIM (1464-1513)", REF.ST.U.T., HEFT 6, 1908, P. 36F.

50. IBID., P. 58: "WIE UNS DIE FUELLE DER PROZESSAKTEN UND DIE UNERMESSLICHE ZAHL DER PROZESSE DARTUT, STAND DIE RECHTSPRECHUNG DER ROTA IN DER LETZTEN HAELFTE DES 15. UND ZU BEGINN DES 16. JAHRHUNDERTS UNBESTRITTEN AUF DEM HOEHEPUNKT DER MACHT UND DES EINFLUSSES. AUS DER GANZEN WELT, NAMENTLICH AUS DEUTSCHLAND, WURDEN DIE PROZESSE ALLER RECHTSGEBIETE NACH ROM GEBRACHT, UND WEITAUS DIE MEISTEN VOR DEM TRIBUNALE DER ROTA ENTSCHIEDEN."

CAN HARDLY BE REFUTED SINCE HE DOES NOT GIVE A FULL EXPLANATION OF "THE REASON". BUT HE TOO LAMENTS THE FACT "THAT SECULAR MATTERS WERE BROUGHT AT ONCE TO THE ROTA IN THE FIRST INSTANCE WITHOUT CALLING FIRST ON THE LEGAL ASSISTANCE OF THE ECCLESIASTICAL COURTS IN PARTIBUS."[51]

THE QUESTION WHETHER THE ORIGINAL MOTIVE FOR THIS CENTRALIZING POLICY IS OR IS NOT TO BE FOUND IN A PERSONAL CONCERN FOR MORE EFFICIENT CHURCH ADMINISTRATION IS OF LITTLE IMPORTANCE FOR US AT THIS POINT. THE ACTUAL RESULT HOWEVER WAS A CONFUSION AND NOT AN ORDERING OF THE LOCAL AFFAIRS.

> "SUCH A GREAT NUMBER OF LITIGATIONS FOR BENEFICES WOULD SURELY NOT HAVE BEEN POSSIBLE WITHOUT THE COUNTLESS PAPAL RESERVATIONS, EXPECTANCIES, AND MANDATES WHICH WERE NOT ALWAYS IN AGREEMENT WITH EACH OTHER." 52

THE PRICE FOR DRAWING A SUBSTANTIAL PART OF THE ECCLESIASTICAL JURISDICTION TO ROME HAD TO BE PAID FOR WITH A SCANDALOUS ACCUMULATION OF BENEFICES AND AN EVEN MORE SCANDALOUS SALE AND PURCHASE OF THEM. NONE LESS THAN JOHN ECK, THE ARDENT OPPONENT OF MARTIN LUTHER, COMPLAINED IN 1523 TO HADRIAN VI ABOUT THE UNCHECKED TRADE IN ECCLESIASTICAL OFFICES:

> "LIVING IT UP IN THE CITY, THEY DO NOTHING BUT TRADE IN BENEFICES, NOT SATISFIED EVEN IF THEY HOLD TEN OR TWENTY OR THIRTY OF THEM; BUT THEY ALWAYS PRESS ON." 53

THE CENTRALISATION OF THE CHURCH'S ADMINISTRATION IN ROME, WHICH WAS NOT POSSIBLE WITHOUT THE COLLABORATION OF THE PRINCES, BROUGHT THE ROMAN

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51. IBID., P. 43: "DASS DIE WELTLICHEN SACHEN SOFORT IN ERSTER INSTANZ BEI DER ROTA ANHAENGIG GEMACHT WORDEN SIND, OHNE DASS VORHER DIE RECHTSHUELFE DER GEISTLICHEN GERICHTE IN PARTIBUS ANGERUFEN WORDEN WAR."

52. IBID., P. 63: "OHNE DIE ZAHLLOSEN UND NICHT IMMER IN EINKLANG MITEINANDER STEHENDEN PAEPSTLICHEN RESERVATIONEN, EXPEKTANZEN UND MANDATE WAERE EINE SO GROSSE ZAHL VON BENEFIZIALPROZESSEN SICHERLICH NICHT MOEGLICH GEWESEN ..."

53. IBID., P. 64, NOTE 2: "DEGENTES IN URBE NIHIL FACIUNT NISI NUNDINARI BENEFICIA, NON CONTENTI SI 10 AUT 20 AUT 30 HABUERUNT BENEFICIA; SEMPER INSTANT."

pontiff into a severe dilemma. By defending his own ministry in this manner, he was forced to contradict the professed purpose of his office. Instead of representing the visible unity of the church, the "Servant of Servants" diminished steadily the pastoral functions of the other ministers and thus contributed to the disintegration of the ministry of his fellow-servants, - of his fellow-bishops and fellow-priests as much as of his fellow-believers. To be sure, the alliance between the pope and the territorial lords has a long history. In the struggle with Henry IV of Germany, Gregory VII had already successfully exploited the partnership with the princes which the nature of their mutual interests recommended. But Gregory had called on the help of one secular power in a deadly conflict against a powerful German emperor. In the period which immediately followed the Council of Constance, this argument no longer held any force. Now the greater danger for the supremacy of the pope was found within the ranks of the clergy themselves. In contrast to former times the assistance of the princes was now needed, in the first place, to keep the conciliar movement in check and to prevent it from a resurgence, and only in the second place as a defense against overbearing sovereigns.

> "The more the power of the German kingdom declined, ... the higher rose smaller German territorial lords in the esteem of the curia; for there still were common foes against which papacy and principality could fight together; only that they had to be looked for more within than without the pale of the church as it had been before." 54

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54. Hashagen, op. cit., p. 71: "Je mehr die Macht des deutschen Koenigtums sank, ... um so hoeher stiegen auch kleinere deutsche Territorialherren in der kurialen Wertschaetzung; denn es gab immer noch gemeinsame Feinde, gegen die Papsttum und Fuerstentum zusammen kaempfen konnten, nur dass sie mehr innerhalb als wie fruehrer ausserhalb der Kirche zu suchen waren."

This partnership between the pope and the princes led to the inevitable result that the doctrinal tensions within the church could be easily exploited by the political powers. While the smaller princes, for the sake of furthering their own territorial independence, showed a strong inclination towards papal supremacy, the conciliar theory was successfully called upon by those sovereigns who were powerful enough to pursue a policy of expansion in Italy, that is, at the end of the fifteenth century by the French kings and then later by the German emperor. Aubenas observes correctly:

> "Louis XI, the king of France, for example, had used and abused this threat in his dealings with Sixtus IV, and he was not alone in doing so. Later, Alexander VI had for long feared that he might be deposed by a council. Under Julius II the struggle was resumed with extraordinary intensity." 55

Julius II, after having established himself as the master of Italy through a number of victorious campaigns with the support of the French king, suddenly reversed his policy. In the beginning of 1510 he lifted the ban from the Venetians, whom he had just severely humiliated, and restored them to the state of papal grace. At the same time he struck his former allies, the French, with the papal interdict. Thus, with the forces of Italy united, he set about to drive Louis XII out of Italy. It certainly is not the task of the student of history to make a final judgment on the personal qualifications for pastoral service of any one minister or any one pope. But it is obvious that this Machiavellian combination of papal grace and political maneuvers made it impossible to distinguish the extent to which the Roman pontiff acted as the representative of the universal

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55. R. Aubenas: "The Papacy and the Catholic Church", in The New Cambridge Modern History, Vol. I, Cambridge, 1957, p. 82.

CHURCH, AND TO WHAT EXTENT HE ACTED AS THE DEFENDER OF TERRITORIAL INTERESTS.[56] THE LOGICAL RESPONSE OF LOUIS XII WAS AN ATTEMPT TO GATHER THE FORCES OF CONCILIARISM AT A GENERAL COUNCIL IN PISA IN 1511 FOR THE PURPOSE OF DEPOSING THE POPE. JULIUS II IN TURN TRIED TO GATHER THE CHURCH BY THE AUTHORITY OF HIS SUPREME OFFICE AT THE FIFTH LATERAN COUNCIL THE FOLLOWING YEAR. "IT IS IMPOSSIBLE TO IMAGINE THE TWO OPPOSING THEORIES CONFRONTING EACH OTHER MORE VIGOROUSLY: IN THE SIGHT OF CONTEMPORARY OPINION, THE TEST WAS TO BE DECISIVE."[57]

ALTHOUGH LOUIS XII WAS QUICKLY EXPELLED FROM ITALY IN 1512 AND HIS GENERAL COUNCIL NEVER DEVELOPED INTO ANYTHING MORE THAN A BRIEF ASSEMBLY OF THE FRENCH CLERGY, THE ACTUAL TEST WAS NOT QUICKLY OVER. IT DID NOT COME TO AN END UNTIL THE TWO PRINCIPAL CONTESTANTS WERE REPLACED BY THEIR SUCCESSORS, BY LEO X AS BISHOP OF ROME AND BY FRANCIS I AS KING OF FRANCE. EVEN THEN THE SETTLEMENT WAS A COMPROMISE RATHER THAN A VICTORY FOR EITHER SIDE. THE CONCORDAT WHICH WAS WORKED OUT IN BOLOGNA IN DECEMBER, 1515 ABOLISHED FORMALLY THE "GALLICAN LIBERTIES" WHICH THE FRENCH CHURCH HAD BEEN GRANTED IN THE PRAGMATIC SANCTION OF 1438.[58] BUT IN REALITY THE GAINS FOR THE PAPAL OFFICE WERE QUITE LIMITED. THE ONLY INDISPUTABLE ADVANTAGE WHICH THE POPE OBTAINED IN 1515 WAS THE RIGHT OF COLLECTING ANNUAL TAXES

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56. CF. THE IRONY WITH WHICH ERASMUS OF ROTTERDAM CRITICIZES THE POLICY OF JULIUS II IRREPEATEDLY AS IN HIS "QUERELA PACIS" OF 1517, IN WHICH HE EXCLAIMS: "SUPREME IS THE AUTHORITY OF THE PONTIFF INDEED. BUT ... WHERE DOES THE AUTHORITY OF THE PONTIFFS APPEAR, AND WHERE THAT POWER WHICH IS NEAREST TO CHRIST?" - DESIDERII ERASMI ROTERODAMI OPERA OMNIA, VOL. IV, LUGDUNI BATAVORUM PETRI VANDER, AA, 1703, P. 636 C: "SUMMA EST ROMANI PONTIFICIS AUCTORITAS. AST ... UBI TUM PONTIFICUM AUCTORITAS, UBI POTESTAS CHRISTO PROXIMA?"

57. AUBENAS, OP. CIT., P. 82

58. THE "GALLICAN LIBERTIES" CONSISTED OF FREEDOM FROM THE MOST PRESSING PAPAL TAXATION, THE RIGHT TO AN INDEPENDENT ECCLESIASTICAL JURISDICTION

FROM THE FRENCH BENEFICES. IN THE MATTER OF ECCLESIASTICAL JURISDICTION THE POWER OF THE "PARLEMENT" COULD NOT BE BROKEN. IN THE MOST CRITICAL PROBLEM OF ALL, THE QUESTION OF CLERICAL APPOINTMENT, THE POPE WAS QUITE READY TO ACCEPT THE EXISTING CONDITIONS WITH A MINOR CHANGE: CANONICAL INSTITUTION WAS TO BE RESERVED TO THE POPE, BUT THE ACTUAL NOMINATION WAS TO BE DONE BY THE KING, WHO HAD IN FACT EXERCISED THIS RIGHT ALL ALONG IN SPITE OF THE ELECTIONS IN THEORY.[59] AS VON RANKE PUTS IT SUCCINCTLY, "THE AXIOM FOR WHICH GREGORY VII GOT THE WORLD INTO MOTION WAS ABANDONED BY LEO X WITHOUT GREAT DIFFICULTIES."[60]

EQUALLY DISAPPOINTING WERE THE GAINS WHICH THE FIFTH LATERAN COUNCIL COULD OBTAIN FOR THE HOLY SEE. ALTHOUGH LEO X REAFFIRMED PAPAL SUPREMACY IN A MOST SOLEMN DECLARATION,[61] HIS CLAIMS WERE CONSIDERED BY MANY AS JUST ANOTHER MOVE IN THE PLAY OF CURIAL POLITICS. SUCH WAS THE ATTITUDE NOT

ADMINISTERED BY THE "PARLEMENT DE PARIS", AND THE PRIVILEGE, IN THEORY AT LEAST, OF FILLING ECCLESIASTICAL OFFICES BY ELECTIONS UNDER THE DIRECTION OF THE CROWN.

59. IBID., P. 85: "WITH REGARD TO BENEFICES NOMINATION WAS RESERVED TO THE KING, CANONICAL INSTITUTION TO THE POPE, A LOGICAL DIVISION OF PREROGATIVES, BUT ONE WHICH INVOLVED DISCONTINUANCE OF ELECTIONS. THIS SEEMED TO BE AN INNOVATION OF THE UTMOST SERIOUSNESS, BUT WAS ONLY APPARENTLY SO: IN POINT OF FACT ... ELECTIONS HAD LONG BEEN NO MORE THAN A MYTH."

60. LEOPOLD VON RANKE: DIE ROEMISCHEN PAEPSTE, STUTTGART, KOEHLER, 1953, P. 35: "DAS AXIOM, FUER DAS GREGOR VII. DIE WELT BEWEGTE, GAB LEO X. OHNE VIELE SCHWIERIGKEITEN AUF."

61. BULL "PASTOR AETERNUS" OF DECEMBER 19, 1516 IN DENZINGER, OP. CIT., P. 273F: "... THAT AT A GIVEN MOMENT IT IS ONLY THE LIVING ROMAN PONTIFF WHO HAS, AS IT WERE, THE AUTHORITY OVER ALL COUNCILS, SINCE HE POSSESSES THE FULL RIGHT AND POWER OF CALLING, TRANSFERRING, AND DISSOLVING COUNCILS ..." ("... SOLUM ROMANUM PONTIFICEM PRO TEMPORE EXSISTENTEM TANQUAM AUCTORITATEM SUPER OMNIA CONCILIA HABENTEM, CONCILIORUM INDICENDORUM, TRANSFERENDORUM AC DISSOLVENDORUM PLENUM IUS ET POTESTATEM HABERE, ...")

only of political leaders but also of countless bishops and theologians. The charge of being not a general council of the church but an unfree "conciliabulum" of only a section, which had been used against the council of the French king in Pisa, was now also turned against the council of the pope at the Lateran, since its participants were mainly Italians and its agenda was completely controlled by the pontiff. As a Roman Catholic historian comments, "by the opponents of the pope it was defined as an unfree council. Even at the Council of Trent it was not yet generally recognized."[62] Thus there is a note of comical tragedy in the deliberate resolution with which the pope declared himself to "have the authority over all councils" although he did not dare to repeal the decree "Sacrosancta" which denied him this authority. As is admitted by modern Roman Catholic research,

> "The [Fifth Lateran] Council, convoked for political reasons, has to be viewed as a reaction to the council of Pisa (1511-12); considering the 'irreformability' of the decrees of ecumenical councils! - it could in no wise repeal the decrees of Constance which were backed up by the authority of the church at large and of the pope in a manner altogether different from the Fifth Lateran Council." 63

Neither Leo X nor any other pope of this restoration period was able seriously to curtail the right of appeal from the pope to a general council, - a right of which most people were ready to avail themselves in time

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62. R. Baeumer: "Lateran-Synoden" in Lexikon fuer Theologie und Kirche, 2nd ed., Vol. VI, Herder, Freiburg, 1961, p. 818: "Von den Gegnern des Papstes wurde es als unfreies Konzil bezeichnet. Noch auf dem Konzil von Trient fand es keine allgemeine Anerkennung."

63. Kueng, op. cit., p. 258: "... das [Fuenfte Lateran] Konzil, aus politischen Gruenden einberufen, muss als Reaktion auf das Konzil von Pisa (1511-12) betrachtet werden; es konnte - bei der 'Irreformabilitaet' der Dekrete oekumenischer Konzilien! - die Konstanzer Dekrete, die die Autoritaet der Gesamtkirche und des Papstes in einer ganz anderen Weise hinter sich hatten als die Fuenfte Lateransynode, auf keinen Fall aufheben."

of need. In fact Leo's insistence on the superiority rather than the service of the "Vicar of Christ" indirectly fanned the aspirations of conciliarism anew as some felt provoked to appeal from this "conciliabulum Romanum" to a free general council for a unification of the church's ministry.[64]

THE CHRISTIAN NOBILITY OF THE GERMAN NATION

In 1520, when presenting his cause to the secular rulers of his time, Luther was to address himself not to the "Holy Roman Emperor of the German Nation" but to the entire "Christian Nobility of the German Nation". "His Mighty Imperial Majesty" was held to be its most illustrious member, not a sovereign with an independent authority. Does the title of this treatise indicate a revolutionary change intended to establish the princes as the new lords of the church? Or is it perhaps not at all startling since it finds a sufficient explanation in the very circumstances which prevailed in the church of that time? Luther's personal intentions will have to be studied later in an analysis of the document itself. In addition a full answer also demands a careful examination of the functions

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64. Ibid., p. 257: "Some had appealed from the 'conciliabulum Romanum' to a general council." ("Man hatte zum Teil vom 'conciliabulum Romanum' an ein allgemeines Konzil appelliert.")

WHICH WERE ACTUALLY CARRIED OUT BY THE PRINCES IN THE ECCLESIASTICAL REFORM MOVEMENTS - PARTICULARLY IN LUTHER'S NATIVE SAXONY - BEFORE THE MONK FROM WITTENBERG RAISED HIS VOICE. SUCH AN INVESTIGATION WILL HAVE TO DEAL WITH A NUMBER OF SMALL DETAILS WHICH AT FIRST GLANCE MAY APPEAR TO BE IRRELEVANT. BUT WITHOUT THESE DETAILS, THE THEOLOGICAL DISCUSSION BECOMES SEPARATED FROM THE CONCRETE HISTORY FROM WHICH ALONE IT DERIVES ITS CONCRETE CREDIBILITY.

FIRST IT SEEMS ADVISABLE HOWEVER TO HEED A WARNING ON THE METHOD TO BE EMPLOYED IN THE STUDY OF SUCH A COMPLEX PROBLEM AS THE GERMAN NOBILITY AT THE BEGINNING OF THE SIXTEENTH CENTURY. KARL HOLL TOOK ISSUE WITH THE ATTEMPT OF DEFINING THEIR RELATIONS TO THE CHURCH EXCLUSIVELY WITHIN THE TERMS OF THE SOCIOLOGICAL TYPOLOGY DEVELOPED BY TROELTSCH.[65] IN HIS SHARP POLEMIC AGAINST SOHM AND RIEKER, HOLL CONTENDS WITH REASON THAT, AT LEAST UP TO THE SEVENTEENTH CENTURY, THE TERMS "CORPUS MYSTICUM" AND "CORPUS CHRISTIANUM" WERE USED AS DESIGNATIONS FOR THE "UNIVERSALIS ECCLESIA", AND NOT AS DESCRIPTIONS OF A "SOCIETAS CHRISTIANA".[66] THE SOCIOLOGICAL ANALYSIS OF THESE TERMS, IF APPLIED WITH RIGID EXCLUSIVENESS, WILL THEREFORE OFTEN ONLY OBSCURE THE HISTORICAL

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65. KARL HOLL: GESAMMELTE AUFSAETZE ZUR KIRCHENGESCHICHTE, VOL. I, J.C.B. MOHR, TUEBINGEN, 1921, PP. 291-295. FOR A THEOLOGICAL CRITIQUE OF TROELTSCH'S ANALYSIS OF THE CHURCH SEE DIETRICH BONHOEFFER: SANCTORUM COMMUNIO, 3RD ED., KAISER, MUENCHEN, 1960, P. 193F.

66. ACCORDING TO HOLL, THE APPLICATION OF "CORPUS CHRISTIANUM" AND "CORPUS MYSTICUM" TO EARLIER PERIODS AS TERMS WITH A SOCIOLOGICAL MEANING IS A TRANSLATION BACK FROM CONTEMPORARY GERMAN "IN WHICH NO ONE HAS SO FAR MADE EVEN THE ATTEMPT TO DEMONSTRATE THE EXISTENCE OF THE TERMS WITH THIS ALLEGED MEANING IN THE MEDIEVAL DOCUMENTS THEMSELVES OR TO GIVE AN ACCOUNT OF THEIR RELATION TO THOSE TERMS WHICH ACTUALLY WERE CURRENT IN THE MIDDLE AGES." (OP. CIT., P. 292: "... RUECKUEBERSETZUNGEN AUS DEM DEUTSCHEN, BEI DENEN NIEMAND BISHER AUCH NUR DEN VERSUCH GEMACHT HAT, SIE IN DEM BEHAUPTETEN SINN IN DEN MITTELALTERLICHEN URKUNDEN SELBST NACHZUWEISEN ODER SICH UEBER IHR VERHAELTNIS ZU DEN DEM MITTELALTER GELAEUFIGEN AUSDRUECKEN RECHENSCHAFT TO GEBEN.")

EVENTS AND THUS IMPEDE RATHER THAN SERVE THE PURPOSE OF HISTORIOGRAPHY - THE CONFRONTATION OF OUR POINT OF VIEW WITH THAT OF PREVIOUS TIMES.[67]

THE CONCEPT OF THE ONE BODY, FOR WHICH GREGORY VII HAD BEEN WILLING TO RISK HIS OFFICE AND HIS LIFE, HAD LEFT AN IMPACT UPON ALL AREAS OF LIFE WHICH CAN HARDLY BE OVERESTIMATED. BUT IT MUST NOT BE FORGOTTEN THAT FOR THE MEN WHO HELD THIS VIEW THE ONE BODY WAS THE COMMUNION UNIFIED UNDER THE POPE, - THE CHURCH. THE "HOLY ROMAN EMPIRE OF THE GERMAN NATION"[68] WAS NOT THE BASE FOR THEIR ECCLESIOLOGY BUT A CONSEQUENCE OF IT, AND AT THAT A CONSEQUENCE WHICH HAD NEVER BEEN FULLY DEVELOPED INTO A CONSISTENT SYSTEM. IT HAD NEVER ESTABLISHED ITSELF AS A CONCRETE REALITY SUCH AS THE "HOLY ROMAN CHURCH". IN THE STRUGGLE FOR AUTHORITY THE DIFFERENT POWERS DID NOT LET THEMSELVES BE DETERRED BY THE VIEW OF A UNIFIED MEDIEVAL WORLD, HARMONIOUSLY COMPOSED OF A "COMMUNIO FIDELIUM" AND OF A "SOCIETAS HUMANA". RECENT STUDIES OF THE POLITICAL WRITINGS IN THE MIDDLE AGES SUPPORT THE ARGUMENT WHICH HOLL OFFERED SOME FORTY YEARS AGO AGAINST THE MODERN SLOGAN OF A COMPACT MEDIEVAL WORLD. MICHAEL WILKS COMMENTS:

> "BY THE FOURTEENTH CENTURY POLITICAL WRITERS HAD BECOME HEIR TO FAR TOO MANY DIVERGENT TRADITIONS TO REMAIN RIGIDLY CONSISTENT ... SUCH DIVISIONS HAVE TENDED TO BECOME OBSCURED BECAUSE EVERY WRITER, EVEN MARSILIUS AND THE FRENCH LAWYERS, PAID LIP SERVICE TO AN ALL-EMBRACING UNIVERSALISM AND EMPLOYED A COMMON TERMINOLOGY. BUT

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67. ROLAND H. BAINTON: STUDIES ON THE REFORMATION, BEACON, BOSTON, 1963, P. 104: "IF WE ARE TO RECOGNIZE THAT THEY ARE PREJUDICES, WE MUST ENGAGE IN A COMPARISON BETWEEN THE POINT OF VIEW OF OUR TIME AND THOSE OF PREVIOUS TIMES. THUS WE INVOKE HISTORY TO DISCLOSE TO US OUR PRE-SUPPOSITIONS IN THE APPROACH TO HISTORY."

68. THE TERM "SACRUM IMPERIUM" WAS NOT APPLIED TO THE GERMAN EMPIRE BEFORE THE END OF THE TWELFTH CENTURY, ACCORDING TO ERNEST BAKER: "EMPIRE" IN ENCYCLOPEDIA BRITANNICA, VOL. 8, 14TH ED., LONDON, 1929, P. 406, NOTE 2.

> THERE WAS NO MORE GENUINE AGREEMENT ABOUT THE NATURE OF MEDIEVAL SOCIETY THAN THERE WAS ABOUT THE PROBLEM OF THE UNIVERSALS OR THE EXACT RELATIONSHIP OF REASON AND FAITH." 69

AT THE TIME OF LUTHER THE EMPIRE WAS HARDLY ANYTHING MORE THAN A VAGUELY DEFINED CONFEDERATION OF THE GERMAN TERRITORIES WHICH WAS PRIMARILY USED AS A PLATFORM FOR THE ADVANCE OF THE CLAIMS ASSERTED BY THE PRINCES. IN WESTERN EUROPE ENGLAND, FRANCE, AND SPAIN ESTABLISHED THEMSELVES AS NATIONS UNDER THE RULE OF POWERFUL MONARCHS, BUT IN GERMANY IT WAS THE TERRITORIAL LORDS WHO WERE RISING TO ASCENDENCY.

IT IS TRUE, WHEN CHARLES V BEGAN HIS REIGN IN 1519, THERE APPEARED ONCE MORE FOR A FLEETING MOMENT THE HOPE FOR A GREAT EUROPEAN EMPIRE. THROUGH A SERIES OF FORTUNATE MARRIAGES, THE HOUSE OF HABSBURG HAD ALMOST OVERNIGHT RISEN TO SPECTACULAR POWER.[70] NOT COUNTING THE GERMANS OF WHOSE LOYALTY CHARLES NEVER FELT QUITE SURE, THE YOUNG EMPEROR COULD RELY FOR A SOLID SUPPORT UPON SPAIN, THE NETHERLANDS, AND AUSTRIA. THESE ALONE SEEMED TO BE SUFFICIENT TO ENCIRCLE HIS CHIEF RIVAL FRANCE AND MOREOVER TO SERVE AS KEY POSITIONS FROM WHICH A UNIFIED EMPIRE COULD BE CONSTRUCTED. IN THE EFFORT TO ACCOMPLISH THIS TASK CHARLES WAS INDEFATIGABLY BUSY OVERCOMING

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69. MICHAEL WILKS: THE PROBLEM OF SOVEREIGNTY IN THE LATER MIDDLE AGES, CAMBRIDGE, 1963, P. 16F. CF. HOLL, OP. CIT., P. 293F: "IT IS NOT INCIDENTAL THAT AN ALL-EMBRACING SLOGAN WITH THE DEMANDED CONTENTS IS MISSING. FOR THE MIDDLE AGES WERE INCAPABLE OF FULLY ACCOMPLISHING THE VIEW ASCRIBED TO THEM IN THE PERFECTION IN WHICH IT IS PRESENTED BY SOHM." ("ES IST ABER AUCH KEIN ZUFALL, DASS EIN ZUSAMMENFASSENDES SCHLAGWORT DES GEFORDERTEN INHALTES FEHLT. DENN DAS MITTELALTER WAR NICHT IMSTANDE, DIE IHM ENTSPRECHENDE ANSCHAUUNG RESTLOS ZU VOLLZIEHEN. ... IN DER GESCHLOSSENHEIT, IN DER SOHM SIE VORTRAEGT, HAT UEBERHAUPT KEIN MITTELALTERLICHER MENSCH DIE IHM ZUGESCHRIEBENE ANSCHAUUNG BESESSEN.")

70. 1477 THE MARRIAGE OF MAXIMILIAN I TO MARY OF BURGUNDY AND OF THE NETHERLANDS; 1496 THE MARRIAGE OF PHILIP, CHARLES' FATHER, TO JUANA OF SPAIN

one obstacle after another: the challenge of the French king, the fickleness of the pope, the sudden danger of the Turks in the South, and the unwilling stubbornness of the German princes. But every victory won was also a defeat. Just when he was making progress in preserving the spiritual unity in Germany under papal authority, the pope allied himself with Charles' chief rival Francis I. Just when Charles restored a strong position in Germany by breaking up this alliance, there was the unexpected threat of the Turks in the South which forced the emperor again to plead for the support of the German princes. His most powerful enemy was not a single political force but that elusive power which we may call the "spirit of the time". In the pursuit of his own ambitions he failed to recognize the intention of the others. Unable to place his confidence in them, he also was unable to win their confidence. As a result he never entered into a lasting partnership with another force in Europe. Although he showed a general sympathy for the conciliar movement, neither conciliarists nor papalists, neither bishops nor princes enjoyed his support long enough to turn into reliable allies. In 1556 he retired to a monastery at the age of 56, leaving the imperial crown to his brother Ferdinand of Austria. In the year before, the Augsburg Peace Treaty had brought the indisputable evidence that there was no one left in the empire who shared with Charles the hope for a closely knit union of Europe. The empire was not only split by different religious confessions and church doctrines, but also divided into territories too strong in their independence to be molded into one cohesive body.

Quite different from the position of the emperor was that of the princes. It is true that none of them was as yet strong enough to develop an overall national policy of his own. But it is equally true that each

ONE OF THEM WAS FAR FROM CONSIDERING HIMSELF A SUBJECT OF THE EMPEROR. MUCH TO THE CONTRARY, THEY JEALOUSLY GUARDED THEIR PARTICULAR PREROGATIVES WHICH HAD BEEN SET UP IN A VERY SENSITIVE BALANCE OF POWERS BY OLD STATUTES.[71] OF ESPECIALLY PRIVILEGED STATUS WERE THE SEVEN ELECTORS, SUCH AS THE TERRITORIAL LORD IN SAXONY AND THE MOST ILLUSTRIOUS ONE, THE ARCHBISHOP OF MAINZ. HAVING WITHIN THEIR TERRITORIES A SOVEREIGNTY EQUAL TO THAT OF AN INDEPENDENT MONARCH, THEY POSSESSED FOR EXAMPLE THE RIGHT TO AN INDEPENDENT SUPREME JURISDICTION GUARANTEED TO THEM THROUGH THE "PRIVILEGIUM DE NON EVOCANDO" AND THE "PRIVILEGIUM DE NON APPELANDO."[72] THIS PROVISION WAS

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71. CF. THE PROVISIONS FOR THE ELECTION OF A NEW EMPEROR IN THE "GOLDEN BULL", ISSUED BY EMPEROR CHARLES IV IN 1356, IN ERNEST FLAGG HENDERSON: SELECT HISTORICAL DOCUMENTS OF THE MIDDLE AGES, G. BELL, LONDON, 1910, P. 233: "BUT SO OFTEN AND WHENEVER THE HOLY EMPIRE SHALL HEREAFTER HAPPEN TO BE VACANT, THE ARCHBISHOP OF MAINZ SHALL THEN HAVE THE RIGHT, WHICH HE IS KNOWN FROM OF OLD TO HAVE HAD, OF CONVOKING THE OTHER PRINCES, HIS AFORESAID COMPANIONS IN THE SAID ELECTION. AND WHEN ALL OF THEM, ALL THOSE WHO CAN AND WILL BE PRESENT, ARE ASSEMBLED TOGETHER AT THE TERM OF THE ELECTION, IT SHALL PERTAIN TO THE SAID ARCHBISHOP OF MAINZ AND TO NO OTHER TO CALL FOR THE VOTES OF THESE HIS CO-ELECTORS, ONE BY ONE IN THE FOLLOWING ORDER. FIRST, INDEED, HE SHALL INTERROGATE THE ARCHBISHOP OF TREVES, TO WHOM WE DECLARE THAT THE FIRST VOTE BELONGS, AND TO WHOM, AS WE FIND, IT HITHERTO HAS BELONGED. SECONDLY, THE ARCHBISHOP OF COLOGNE, TO WHOM BELONGS THE DIGNITY AND ALSO THE DUTY OF FIRST IMPOSING THE ROYAL DIADEM ON THE KING OF THE ROMANS. THIRDLY, THE KING OF BOHEMIA, WHO RIGHTLY AND DULY, HAS THE FIRST PLACE AMONG THE LAY ELECTORS. FOURTHLY, THE COUNT PALATINE OF THE RHINE. FIFTHLY, THE DUKE OF SAXONY. SIXTHLY, THE MARKGRAVE OF BRANDENBURG. OF ALL THESE THE SAID ARCHBISHOP OF MAINZ SHALL CALL FOR THE VOTES IN THE AFORESAID ORDER. THIS BEING DONE, THE AFORESAID PRINCES HIS COMPANIONS, SHALL, IN THEIR TURN, CALL ON HIM TO EXPRESS HIS OWN INTENTION AND TO MAKE KNOWN TO THEM HIS VOTE. MOREOVER, WHEN AN IMPERIAL COURT IS HELD, THE MARKGRAVE OF BRANDENBURG SHALL PRESENT THE WATER FOR WASHING THE HANDS OF THE EMPEROR OR KING OF THE ROMANS. AND THE KING OF BOHEMIA SHALL BE THE FIRST TO OFFER DRINK; BUT, ACCORDING TO THE TENOR OF THE PRIVILEGES OF HIS KINGDOM, HE SHALL NOT BE BOUND TO OFFER IT WITH HIS ROYAL CROWN ON, EXCEPT OF HIS OWN FREE WILL. THE COUNT PALATINE OF THE RHINE, MOREOVER, SHALL BE OBLIGED TO OFFER FOOD, AND THE DUKE OF SAXONY SHALL PERFORM THE OFFICE OF MARSHAL, AS HAS BEEN THE CUSTOM OF OLD."

72. IBID., PP. 220FF. THE "PRIVILEGIUM DE NON EVOCANDO" MEANT THAT THE SUBJECTS OF AN ELECTOR COULD NOT BE TRIED BY THE COURT OF ANOTHER TERRITORY, AND THE "PRIVILEGIUM DE NON APPELANDO" THAT THERE WAS NO RIGHT OF APPEAL IN CASES WHICH HAD BEEN SETTLED BY AN ELECTORAL COURT.

TO BE OF DECISIVE SIGNIFICANCE IN THE REFORMATION FOR THE SETTLEMENT OF DISPUTES OVER THE CLAIMS TO CHURCH PROPERTY. IT MADE IT IMPOSSIBLE FOR EITHER SIDE - FOR THE FOLLOWERS OF THE "OLD RELIGION" AS WELL AS FOR THOSE OF THE "NEW RELIGION" - TO CONTEST THE DECISION OF A SUPREME COURT IN AN ELECTORATE, AS IN SAXONY, WITHOUT INCITING REVOLUTION.

THERE EXISTED MANY SHADES OF DIFFERENTIATION IN THE REPUTATION AND ACTUAL POWER BETWEEN ONE PRINCE AND THE OTHER. HOWEVER ALL OF THEM HAD GREATLY BENEFITED FROM THE ECONOMIC AND CULTURAL DEVELOPMENTS IN THE LATE MIDDLE AGES.[73] THE CHANGE FROM BARTERING TO THE MONETARY SYSTEM HAD MADE IT POSSIBLE TO ESTABLISH A CENTRAL ADMINISTRATION OF LARGE AREAS. THE COMPENSATION FOR THE TASK OF GOVERNING AND PROTECTING THE SUBJECTS NEEDED NO LONGER BE EXACTED IN THE FORM OF MANUAL SERVICES RENDERED TO THE TERRITORIAL LORD. NOW EVERYWHERE THE REVENUES OF THE GOVERNMENT WERE COLLECTED IN THE FORM OF TAXES AND ADMINISTERED BY SALARIED COURT BUREAUCRATS. IN ADDITION, THE MORE POWERFUL OF THE PRINCES OWNED ALL THE GOLD AND SILVER MINES IN THEIR AREAS AND ENJOYED THE RIGHT TO THEIR OWN COINAGE. MOREOVER, THE INTRODUCTION OF THE ROMAN CODE OF LAW HAD STRONGLY FURTHERED THE DEVELOPMENT OF THE SECULAR COURTS IN THE TERRITORIES. SINCE THE ROMAN LAW KNEW ONLY OF PRIVATE PROPERTY AND MADE NO PROVISIONS FOR THE OLD GERMANIC PRINCIPLE OF COMMUNAL OWNERSHIP, MORE DETAILED DEFINITIONS OF THE PROPERTY CLAIMS HAD HAD TO BE WORKED OUT. FORESTS, MEADOWS, AND CREEKS HAD ONCE BEEN CONSIDERED AS THE PROPERTY OF THE PEOPLE FREELY TO BE USED BY ALL. THUS A MINIMUM MEANS OF SUPPORT HAD BEEN PROVIDED FOR THE POOREST. BUT THEN NEW DISTRIBUTION OF LAND ACCORDING TO THE PRINCIPLES OF PRIVATE

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73. CF. LUTHER HESS WARING: THE POLITICAL THEORIES OF MARTIN LUTHER, G. PUTNAM'S SONS, NEW YORK & LONDON, 1910, P. 58

PROPERTY HAD BECOME NECESSARY. IT WAS NOT POSSIBLE WITHOUT COSTLY, AND OFTEN LONG DRAWN OUT, LEGAL DISPUTES. THOSE WHO EMERGED FROM THEM AS THE LAWFUL OWNERS OF THE LANDS WERE UNDERSTANDABLY THOSE WHO COULD AFFORD THE SERVICES OF A SKILLFUL LAWYER, - THE FEUDAL LORDS, MERCHANTS, MAGISTRATES OF THE CITIES, AND IN MANY CASES THE RULING PRINCE HIMSELF. YET EQUALLY IMPORTANT WAS THE SIGNIFICANCE TO WHICH THE SECULAR COURTS GREW AS A RESULT OF THIS TRANSITION.

IN THIS STEADY ASCENDENCY THE PRINCES WERE PROVIDED WITH UNFORSEEN OPPORTUNITIES OF AGGRANDIZEMENT BY THE SCHISM OF THE FOURTEENTH AND FIFTEENTH CENTURIES IN THE CHURCH. FIRST IT HAD BEEN THE RIVAL POPES AND THEN THE CONFLICTING GROUPS OF PAPALISTS AND CONCILIARISTS WHO COMPETED AGAINST EACH OTHER IN THE EFFORT TO WIN THE SUPPORT OF THE TERRITORIAL LORDS. THUS A PRUDENT PRINCE WAS ABLE TO RESTORE IN A VERY CONCRETE MANNER MUCH OF THE AUTHORITY IN THE CHURCH WHICH THE LAITY HAD LOST AS A RESULT OF THE GREGORIAN REFORMS. AS ULRICH STUTZ HAS SHOWN IN HIS DETAILED STUDY OF MEDIEVAL GERMANIC CHURCH LAW,[74] THE FEUDAL LORD IN GERMANY HAD ORIGINALLY EXERCISED A VIRTUALLY UNLIMITED CONTROL OVER THE RELIGIOUS LIFE WITHIN HIS TERRITORY THROUGH THE APPLICATION OF THE OLD GERMANIC PRINCIPLE OF MANORIAL PROPRIETORSHIP (GRUNDHERRSCHAFT). JUST AS THE PAGAN ALTARS OF OLD, THE CHRISTIAN CHURCHES WERE ORIGINALLY CONSIDERED TO BE THE PERSONAL PROPERTY AND RESPONSIBILITY OF THE MAN WHO OWNED THE LAND ON WHICH THEY WERE BUILT. BUT THEN A RADICAL CHANGE HAD COME WHEN THE GREGORIAN CONCEPT OF THE CHURCH

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74. ULRICH STUTZ: "THE PROPRIETARY CHURCH AS AN ELEMENT OF MEDIEVAL GERMANIC ECCLESIASTICAL LAW", TR. AND ED. BY GEOFFREY BARRACLOUGH IN MEDIEVAL GERMANY 911-1250, VOL. II, B. BLACKWELL, OXFORD, 1948, PP. 35FF.

GAINED GENERAL ACCEPTANCE AND ESTABLISHED A DEMARCATION LINE WHICH SHARPLY DISTINGUISHED THE CLERGY FROM THE LAITY. THE INTRODUCTION OF CANONICAL LAW IN THE THIRTEENTH CENTURY SEVERELY CURBED BUT NEVER ELIMINATED COMPLETELY THE INFLUENCE WHICH THE LANDOWNERS ENJOYED IN THE ADMINISTRATION OF THE CHURCH IN GERMANY. HOWEVER THEIR ORIGINAL RIGHT TO CHURCH OWNERSHIP WAS NOW BEING CONVERTED AND REFINED INTO THE RIGHT OF CHURCH PATRONAGE, - THE RIGHT AND OBLIGATION TO PROVIDE THE POLITICAL PROTECTION FOR THE CHURCH ADMINISTRATION WHICH WAS CARRIED OUT BY THE ORDAINED CLERGY. BUT SOON ENOUGH THIS PRINCIPLE WAS BROKEN AGAIN BY THE EMPLOYMENT OF THE LAY POWERS IN THE INNER CONFLICT OF THE CHURCH. THE RESULT WAS NOT A RESTORATION OF THE PRIVILEGES WHICH ALL FEUDAL LORDS ONCE HAD ENJOYED AS LANDOWNERS. NOW IT WAS MAINLY THE PRINCES WHO GAINED AGAIN AN IMPORTANT VOICE IN THE FILLING OF BISHOPRICS AND THUS IN THE ENTIRE ADMINISTRATION OF THE CHURCHES.[75]

TO BE SURE CHOOSING THE RIGHT SIDE IN THE STRUGGLES WITHIN THE CHURCH IMPLIED A CERTAIN RISK FOR A PRINCE. MAKING THE WRONG CHOICE MEANT THAT OTHER TERRITORIAL LORDS - PERHAPS HIS NEIGHBORS WITH WHOM HE WAS COMPETING - WOULD BE ABLE TO ADVANCE THEIR OWN POWER TO A GREATER DEGREE. BUT EVEN IN THE CASE OF A MISTAKE THE LOSS WAS NOT DEVASTATING. IN THE LONG RUN THE WINNING CHURCH PARTY HAD TO BE DEPENDENT UPON HIS SUPPORT AGAIN AND FOR

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75. CF. PETER BRUNNER: NICOLAUS VON AMSDORF ALS BISCHOF VON NAUMBURG, G. MOHN, GUETERSLOH, 1961, P. 13: "THE FACTOR WHICH MADE THE ELECTION OF A BISHOP PARTICULARLY COMPLEX IN THE REFORMATION PERIOD WAS THE RELATION OF THE BISHOPRIC TO ITS PATRON. HERE THROUGH THE BESTOWAL OF PRIVILEGES UPON THE TERRITORIAL LORD, THE PAPAL SEE ITSELF HAD VIOLATED ITS PRINCIPLE OF ELIMINATING THE INFLUENCE OF LAYMEN UPON THE ELECTION OF A BISHOP." ("DER FAKTOR, DER DIE BISCHOFSWAHL IN DER REFORMATIONSZEIT BESONDERS VERWICKELT MACHTE, WAR DIE BEZIEHUNG DES BISTUMS ZU SEINEM SCHUTZFUERSTEN. HIER HATTE DER PAEPSTLICHE STUHL SELBST DURCH DIE ERTEILUNG VON PRIVILEGIEN AN DEN TERRITORIALHERREN SEINEN GRUNDSATZ, DEN EINFLUSS DER LAIEN AUF DIE BISCHOFSWAHL ZU ELIMINIEREN, WIEDER DURCHBROCHEN.")

THIS REASON COULD NOT ABRUPTLY REVOKE THE PRIVILEGES WHICH THE DEFEATED PARTY HAD GRANTED HIM BEFORE. DURING THE CRISIS OF THE COUNCIL OF BASEL, SAXONY, FOR EXAMPLE, HAD MADE A WRONG BET BY ALLYING HERSELF WITH FELIX V, THE COUNTER POPE PUT UP BY THE CONCILIARISTS. IN RETURN FOR THIS SUPPORT THE SAXON ELECTOR WAS GRANTED FOR A PERIOD OF A HUNDRED YEARS THE RIGHT OF NOMINATING THE BISHOPS IN THE THREE DIOCESES WHICH WERE SITUATED IN SAXONY, NAUMBURG, MERSEBURG, AND MEISSEN. WHEN HE FINALLY REALIZED THE MISTAKE AND CHANGED OVER TO THE SIDE OF THE ROMAN POPE, IT HAD ALREADY BECOME TOO LATE TO OBTAIN ANY SIGNIFICANT CONCESSIONS FROM ROME. THE PERMANENT RIGHT OF NOMINATING THE BISHOPS HAD TO BE GIVEN UP. IT WAS CONVERTED INTO AN INFLUENCE UPON EPISCOPAL ELECTIONS WHICH WAS TO BE GRANTED BY THE HOLY SEE ONLY FROM TIME TO TIME. YET THE ELECTOR WAS GRANTED THE RIGHT OF PRESENTING THE CANDIDATES FOR THE THREE CATHEDRAL CHAPTERS INVOLVED, WHICH GAVE HIM A SIGNIFICANT VOICE IN THE COMPOSITION OF THE CHAPTERS AND THUS IN THE ONGOING ADMINISTRATION OF THE CATHEDRALS.[76] THE IMPORTANCE OF THIS CONCESSION WAS SEEN IN THE SUCCESSION OF THE BISHOPS OF NAUMBURG.[77] IN 1512 WHEN THE OLD BISHOP, JOHANN VON SCHOENBERG, NEEDED A SUFFRAGAN BISHOP, ELECTOR FREDERIC THE WISE HAD ENOUGH INFLUENCE IN THE CATHEDRAL CHAPTER TO HAVE HIS RELATIVE, COUNT PALATINE PHILIP, ELECTED TO THE POST. THE OLD BISHOP IS SAID TO HAVE REMARKED THAT IT WAS FREDERIC HIMSELF WHOM HE NOW WAS "TO HAVE, RESPECT, AND HOLD AS SUFFRAGAN".[78] BUT HE CONSENTED TO THE CHOICE, FULLY AWARE THAT HE HAD TO EXERCISE HIS EPISCOPAL OFFICE COMPLETELY DEPENDENT UPON THE ELECTOR.

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76. CF. KIRN, OP. CIT., P. 30

77. CF. BRUNNER, OP. CIT., P. 16F

78. KIRN, OP. CIT., P. 33: "ZU COADIUTOR HABEN, DAFUER ACHTEN UND HALTEN ..."

Upon the death of Bishop Johann in 1517, Suffragan Bishop Philip succeeded him as a matter of course.

Another case, however, did not take such a happy turn for the Saxon electors - the case of filling the archbishopric of Mainz. In 1514 when the archbishop of Mainz, Uriel von Gemmingen, died, the problem of choosing a successor was of great significance for Saxony. What was at stake was more than the privilege of filling the episcopal See which had the highest prestige in Germany. It was also a problem of prime importance for the concrete task of governing large areas of Saxon territory, particularly Thuringia. The extension of territorial authority had in many cases led to a confusion of the rights which were asserted in one area by different houses. Especially in borderlands such rights would often conflict with each other. Upper Saxony, which had not enjoyed electoral status before the passage of the "Golden Bull"[79] in 1356, had its full share of these struggles just as did the other territories of recent establishment in the Eastern parts of Germany, particularly Brandenburg. Several of the Saxon estates had to be administered jointly by two different governments.

After the division of Saxony in 1485 between the two main lines of the house of Wettin, for example, the electorate of Saxony which was held by the Ernestines was comprised of Wittenberg, Thuringia, and the Vogtland. In the administration of the city of Meissen and of the Lausitanian possessions, however, the electors had to share their rights with the Albertines, the other line of their house, who held the territory around Leipzig and Merseburg as the duchy of Saxony. As to be expected, this arrangement of

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79. Cf. <u>supra</u>, note 71, p. 40

A JOINT ADMINISTRATION WAS A CONSTANT CAUSE FOR TENSION WHICH AT TIMES THREATENED TO EXPLODE INTO ARMED CONFLICT.[80]

A SIMILAR TENSION EXISTED BETWEEN THE SAXON ELECTORS AND THE ARCHDIOCESE OF MAINZ WITH WHICH THEY HAD TO SHARE THE SOVEREIGN RIGHTS OVER ERFURT, THE PRINCIPAL CITY OF THURINGIA. THE STRUGGLES WHICH WERE BOUND TO ARISE FROM THE CONFUSION OF CLAIMS WERE PARTICULARLY SERIOUS FOR THE ELECTORS IN THIS CASE SINCE THEY INVOLVED A POWER WHICH ALSO POSSESSED A SEAT IN THE ELECTORAL COLLEGE, AND THE MOST PROMINENT ONE AT THAT. THUS IT IS ONLY TOO UNDERSTANDABLE THAT FOR SOME TIME FREDERIC THE WISE ENTERTAINED HOPES OF HAVING HIS YOUNGER BROTHER ERNEST ELECTED TO THE SEE IN MAINZ. THIS SOLUTION WOULD HAVE BEEN A GREAT HELP FOR HIM IN THE EFFORT OF RESTORING CIVIL ORDER IN THURINGIA WHICH AT THAT TIME WAS SEVERELY THREATENED BY A PEOPLE TIRED OF BEING BOSSED AROUND ONCE BY MAINZ AND ONCE BY WITTENBERG. MOREOVER IT ALSO WOULD HAVE GIVEN THE ERNESTINES TWO VOTES IN THE CREATION OF A NEW EMPEROR. BUT FREDERIC'S DESIGN HAD AS LITTLE SUCCESS AS THE SUGGESTION OF A CANDIDATE FROM THE PALATINATE WHICH WAS OFFERED BY EMPEROR MAXIMILIAN.[81] THE COVETED POST WENT TO THE HOUSE OF HOHENZOLLERN. ALBRECHT, THE BROTHER OF ELECTOR JOACHIM OF BRANDENBURG, WAS ELECTED PRIMATE OF GERMANY.

THE SUM WHICH HAD TO BE PAID FOR ALBRECHT'S APPOINTMENT INTO THE PAPAL TREASURY WAS EXORBITANT: TEN THOUSAND DUCATS. BUT THE PRIZE WHICH HAD BEEN WON SEEMED TO BE WORTH EVERY COIN OF THE IMMENSE SUM. SINCE ALBRECHT HAD

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80. IN 1508 EMPEROR MAXIMILIAN HAD TO KEEP THE TWO COUSINS, FREDERIC THE WISE AND GEORGE THE BEARDED, FROM STARTING A BLOODY FAMILY WAR. CF. KIRN, OP. CIT., P. 3.

81. KIRN, OP. CIT., P. 5.

ALREADY BEEN ARCHBISHOP OF MAGDEBURG AND BISHOP OF HALBERSTADT, THE HOUSE OF HOHENZOLLERN HELD NOW NOT ONLY TWO ELECTORAL VOTES BUT ALSO THE COMBINATION OF THE TERRITORIES OF BRANDENBURG, MAINZ, MAGDEBURG, AND HALBERSTADT. FOR A CIRCUMSPECT SAXON ELECTOR, SUCH AS FREDERIC THE WISE UNDOUBTEDLY WAS, EACH ONE OF THESE RIGHTS GAINED BY HIS POWERFUL NEIGHBOR WAS REASON ENOUGH FOR SERIOUS CONCERN SINCE THE ECCLESIASTICAL JURISDICTION OF THESE EPISCOPAL SEES EXTENDED INTO SEVERAL AREAS ALONG THE BORDERS OF THE SAXON ELECTORATE.[82] THE LOSS OF MAINZ TO THE BRANDENBURGERS WAS THUS A SEVERE BLOW TO THE POSITION WHICH THE SAXON ELECTOR HELD IN THE POLITICAL STRUGGLE AMONG THE GERMAN TERRITORIES. THE RESULTING HOSTILITY BETWEEN THE TWO PRINCELY HOUSES EXPLAINS IN PART AT LEAST THE UNWILLINGNESS OF FREDERIC TO FULFILL THE WISHES EXPRESSED BY THE NEW PRIMATE OF GERMANY, AS FOR EXAMPLE IN THE CAMPAIGN OF INDULGENCES OF 1517 OF WHICH THE ARCHBISHOP COULD USE ONE HALF OF THE PROFIT FOR PAYING BACK THE DEBTS HE HAD INCURRED IN RAISING THE HIGH FEE FOR HIS APPOINTMENT WHILE THE OTHER HALF WAS TO BE USED FOR THE CONSTRUCTION OF ST. PETER'S CATHEDRAL IN ROME;[83] OR SOME YEARS LATER IN THE DEMANDS FOR PERSECUTING LUTHER. ON THE OTHER HAND IT DID NOT COME AS A SURPRISE THAT ALBRECHT OF MAINZ WAS NOT INCLINED TO AN AMICABLE ARRANGE-

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82. IN ADDITION TO MAINZ, BRANDENBURG, MAGDEBURG, AND HALBERSTADT, THE DIOCESES OF BAMBERG AND WUERZBURG ALSO CLAIMED ECCLESIASTICAL JURISDICTION OVER SOME SAXON SUBJECTS ALTHOUGH THEIR SEES WERE LOCATED OUTSIDE OF SAXON TERRITORY. THIS SITUATION WAS MADE EVEN MORE COMPLEX THROUGH THE NEARLY 100 MONASTIC ESTABLISHMENTS WHICH WERE LOCATED IN ELECTORAL SAXONY AND HAD THEIR SUPERIORS OUTSIDE OF THE TERRITORY. CF. THE EXACT LIST OF THE MONASTERIES IN ELECTORAL SAXONY IN KIRN, OP. CIT., PP. 195-197.

83. CF. BAINTON: HERE I STAND, OP. CIT., P. 56F; KIRN, OP. CIT., P. 123; SUPRA, NOTE 46

MENT WHEN ONE OF THE WITTENBERG PROFESSORS STIRRED UP THE CONTROVERSY OVER INDULGENCES.

GRAVE AS THE FAILURE OF PROMOTING ITS MEMBERS TO HIGH RANKING CHURCH OFFICES WAS FOR THE HOUSE OF WETTIN, IT DID NOT DIMINISH THE CONTROL WHICH THE SAXON PRINCES HELD OVER THE DIOCESES WITHIN THEIR TERRITORY. IN THE CASE OF FILLING THE EPISCOPAL SEE OF NAUMBURG WE HAVE ALREADY SEEN THE PRESSURE OF TERRITORIAL AUTHORITY AGAINST WHICH AN ORDINARY DIOCESAN BISHOP SIMPLY COULD NOT DEFEND HIMSELF. AS NAUMBURG WAS DOMINATED BY THE SAXON ELECTOR, SO WAS THE DIOCESE OF MERSEBURG BY THE DUKE OF SAXONY. THE PRINCES OFTEN HELD CHURCH LAND "LENT" TO THEM PERPETUALLY BY THE BISHOPS AS A FIEF WHICH WAS TO BE RENEWED AT THE BEGINNING OF EVERY NEW GOVERNMENT. WHEN GEORGE THE BEARDED REFUSED TO HAVE THE LAND RENEWED AS A FIEF AND THUS TACITLY INCORPORATED IT INTO HIS OTHER POSSESSIONS, THE BISHOP OF MERSEBURG HAD NO MEANS WITH WHICH TO FIGHT THE CHANGE.[84]

ONLY THE BISHOP OF MEISSEN, WHO ENJOYED THE PROTECTIVE CARE OF BOTH THE ELECTOR AND THE DUKE, DARED SEVERAL TIMES TO RESIST THE ENCROACHMENT OF HIS RIGHTS BY THE PRINCES. IN 1493 HE LAID THE PARISH CHURCH OF HERZBERG UNDER THE INTERDICT WHICH BY THE INITIATIVE OF FREDERIC THE WISE HAD BEEN INCORPORATED WITH THE LOCAL MONASTERY OF AUGUSTINIAN HERMITS. BISHOP JOHN VI DEMANDED A FINANCIAL SETTLEMENT - CERTAINLY A FAIR ENOUGH REQUEST IN VIEW OF THE FACT THAT HE HAD JUST LOST A CHURCH AND ITS REVENUES FROM HIS ADMINISTRATION. HE WAS UNWILLING TO LIFT THE BAN FROM THE CHURCH UNTIL 100 FLORINS HAD BEEN PAID, WHICH TODAY MIGHT BE CONSIDERED AS A STRANGE MANNER OF RUNNING A DIOCESE BUT WHICH WAS THE ONLY MEANS AVAILABLE

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84. KIRN, OP. CIT., P. 35

TO THE BISHOP THEN. AFTER THE ENTREATIES OF THE FRIARS AND THE PARISH PRIEST FAILED TO MOVE HIM, THE BISHOP WAS FORCED INTO A QUICK CHANGE OF HEART THROUGH A LETTER OF DECEMBER 24, 1494, IN WHICH FREDERIC THE WISE FIRST ASKED HIM IN A VERY POLITE MANNER TO LIFT THE BAN AND THEN LET HIM KNOW:

> "IF YOU HOWEVER SHOULD WANT TO PERSIST IN YOUR PRESENT UNDERTAKING, WE SHALL BE MOVED TO THE BEST OF OUR ABILITIES AND WITH THE WILL OF GOD TO TREAT THE POOR FRIARS DECENTLY AND NOT PERMIT THEM TO BE OPPRESSED, CONFIDENT THAT YOU WILL KNOW HOW TO CONDUCT YOURSELF PROPERLY." [85]

THERE WAS NO ROOM LEFT FOR QUESTIONING THE CLARITY OF THIS MESSAGE. THE BISHOP PROMPTLY COMPLIED WITH THE WISH IT EXPRESSED. YET AGAIN AND AGAIN HE TRIED ANEW TO DEFEND HIS RIGHTS WHEN RESISTING THE INTRODUCTION OF NEW MINT REGULATIONS BY DUKE GEORGE OR WHEN NEGATING HIS OBLIGATION TO GIVE MILITARY SUPPORT TO THE CAMPAIGNS OF HIS DUKE.[86] HIS RESISTANCE RANGED FROM STRICT CHURCH AFFAIRS TO MATTERS OF A VERY MUNDANE NATURE. THIS IS HARDLY SURPRISING SINCE NO ONE ELSE WAS ABLE AT THAT TIME TO MAINTAIN A CLEAR DISTINCTION BETWEEN THE TWO. YET IN ALL THESE CASES HE CLEARLY WANTED TO DEFEND THE INDEPENDENCE OF HIS OFFICE FROM THE PRINCES AS HE HIMSELF EXPRESSED IT ONE TIME, "THAT AFTER THE POPE AND THE IMPERIAL MAJESTY THERE WAS NO PRINCE ON EARTH WHO COULD CLAIM ANY AUTHORITY OVER HIM, HIS SUBJECTS, AND THE TEMPORAL CONCERNS OF HIS BISHOPRIC."[87] BUT TIME AND AGAIN HE WAS FORCED INTO ANOTHER DEFEAT.

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85. KIRN, OP. CIT., APPENDIX 3, P. 179F: "WO IR ABER AUF EUERM FURNEMEN YE BEHARREN WOLDET, WERDEN WIR VERURSACHT, ALSVIL UNS MOGLICH, DURCH GOTS WILLEN DIE ARMEN BRUDER ZU RECHT ZU HANTHABEN UND NICHT VERGEWELTIGEN ZU LASSEN, ZUVERSICHTIG, IT WERDET EUCH DER GEPUR ZU HALTEN WISSEN."

86. IBID., P. 34

87. IBID., P. 34: "... DASS NACH DEM PAPSTE UND DER KAISERLICHEN MAJESTAET KEINEM FUERSTEN AUF ERDEN IRGENDWELCHE MACHT UEBER IHN, SEINE UNTERTANEN UND DES STIFTS WELTLICHKEIT ZUSTEHE." CF. IBID., P. 98 THE DEFENSE

POSSIBLY BISHOP JOHN OF MEISSEN HAD THE CHARACTER OF A CONTENTIOUS TROUBLEMAKER, AS KIRN SUGGESTS.[88] BUT THEN HIS SUBJECTION TO THE AUTHORITY OF THE TERRITORIAL LORD WAS NOT AN ISOLATED CASE. HE HAD TO BE FORCED INTO IT WHILE THE BISHOP OF NAUMBURG SUBMITTED WITHOUT PRESSURE REALISING THE HOPELESSNESS OF ANY RESISTANCE. IN A TIME IN WHICH THE DIOCESAN BISHOPS COULD FIND SUPPORT NEITHER WITH THE HIGHRANKING ECCLESIASTICAL OFFICES NOR WITH THE MEMBERS OF THE CHURCH NOR WITH THE LOCAL POLITICAL POWERS, THE OPPOSITION OF BISHOP JOHN WAS BOUND TO REMAIN TOTALLY INEFFECTIVE AND PRECISELY FOR THIS REASON ILLUSTRATES WELL THE PLIGHT IN WHICH THE BISHOPS FOUND THEMSELVES EVERYWHERE AT THE DAWN OF THE REFORMATION.[89]

FREDERIC THE WISE, WHOSE HAND WAS FELT QUITE HEAVILY AT TIMES IN THE ADMINISTRATION OF THE DIOCESES, SHOWED AT THE SAME TIME A VERY PERSONAL CONCERN FOR THE FURTHERING OF THE REFORM MOVEMENT IN THE MONASTIC COMMUNITIES. PARTICULARLY AMONG THE MENDICANT ORDERS OF THE DOMINICANS, FRANCISCANS, AND AUGUSTINIAN HERMITS, THE BATTLE WAS THEN RAGING BETWEEN THOSE WHO DEMANDED A STRICT OBSERVANCE OF THE VOWS OF MONASTIC POVERTY AND THOSE

BY JOHN OF MEISSEN OF THE ELECTION OF AN ABBESS WHICH WAS HELD TO BE INVALID BY FREDERIC SINCE IT HAD BEEN HELD UNDER THE SUPERVISION OF THE EPISCOPAL OFFICIAL ONLY WITHOUT THE PRESENCE OF AN ELECTORAL DELEGATE. ALTHOUGH THE BISHOP INSISTED IN HIS EPISCOPAL RIGHTS TO MAKE CHURCH VISITATIONS, TO HOLD AND TO CONFIRM ELECTIONS, THE ABBESS WAS FORCED TO RESIGN "VOLUNTARILY" WHEN THE ELECTOR CUT OFF THE SUBSIDIES TO THE CONVENT.

88. IBID., P. 34: "HIS OPPOSITION, WHICH WAS DANGEROUS ONLY FOR HIM-HIMSELF, ... ENDED WITH A COMPLETE DEFEAT IN 1511." ("SEINE NUR FUER IHN SELBST GEFAEHRLICHE OPPOSITION ... ENDETE 1511 MIT EINER VOLLSTAENDIGEN NIEDERLAGE.")

89. KIRN, OP. CIT., PP. 36-38 PROVIDES A LONG SERIES OF DETAILED CASE STUDIES WHICH SHOW THE STRUGGLE BETWEEN THE SECULAR AND ECCLESIASTICAL ADMINISTRATIONS.

WHO FEARED A BREAKDOWN OF DISCIPLINE OF COMMUNAL LIFE AND SAW IN THE CALL FOR ABANDONING MONASTIC PROPERTY ONLY A PRETEXT OF INDIVIDUAL FRIARS FOR ESCAPING FROM THE OBEDIENCE DUE TO THE ABBOTS.

THE DISPUTE REACHED A MOST DRAMATIC POINT AT AN ASSEMBLY OF FRANCISCANS IN BERLIN IN 1511. IT WAS A MEETING OF THE MARTINIANS, THOSE FRANCISCANS WHO TRIED TO HOLD A MIDDLE LINE BETWEEN THE POSITIONS OF EITHER THE EXTREME OBSERVANTS OR THE EXTREME CONVENTUALS BY INSISTING ON THE COMPROMISE WHICH ONCE HAD BEEN SUGGESTED BY MARTIN V.[90] THE ASSEMBLY IN BERLIN WAS FILLED WITH TENSION SINCE IN THE YEAR BEFORE POPE JULIUS II HAD DEPOSED THE FRANCISCAN VICAR GENERAL FOR HIS OPPOSITION TO THE OBSERVANTS.[91]

FREDERIC THE WISE ALSO LENT HIS FULL SUPPORT TO THIS PARTY WHICH SOUGHT TO DECREASE THE WORLDLY POSSESSIONS AND POWER HELD BY THE MONASTIC COMMUNITIES. HE SENT TWO DELEGATES TO THE ASSEMBLY, THE VICAR OF THE AUGUSTINIAN HERMITS JOHANN VON STAUPITZ AND DOCTOR CHRISTOPH SCHEUERL, WHO WERE SUPPOSED TO SWAY THE MARTINIANS TOWARD A UNION WITH THE OBSERVANTS. ALTHOUGH THEIR MISSION DID NOT HAVE ANY IMMEDIATE SUCCESS, THE ADDRESS WHICH WAS GIVEN BY DOCTOR SCHEUERL PROVIDES A GOOD INSIGHT INTO THE SIGNIFICANT CHANGE WHICH TOOK PLACE AT THAT TIME AND BY WHICH THE PRINCES WERE CHANGED FROM BEING THE PROTECTORS OF THE CHURCH INTO BEING THE FATHERS OF THEIR PEOPLE IN SPIRITUAL MATTERS. IT REVEALS THE COMPLETE CANDOR WITH WHICH THE AUTHORITY OF THE PRINCES WAS USED AND ACCEPTED IN DECISIONS WHICH CUT DEEPLY INTO THE SPIRITUAL LIFE OF THE CHURCH AT THAT TIME.

IN HIS APPEAL TO THE MARTINIANS TO GIVE UP THEIR INDEPENDENCE, DOCTOR SCHEUERL PRESENTED THE DESIGNS OF THE SAXON PRINCES "AS A WONDERFUL OPPOR-

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90. CF. SUPRA, P. 20F

91. DOELLE, OP. CIT., PP. 79-99

TUNITY" FOR THE ASSEMBLED FRIARS, URGING THEM AT THE SAME TIME "TO MAKE A VIRTUE OUT OF THE INEVITABLE" AND "TO GIVE FREELY WHAT THEY COULD NOT SELL".[92] WHEN HIS LONG SPEECH FINALLY REACHED THE POINT OF EXPLAINING THE CONCRETE BENEFITS OF SUCH A STRANGE OFFER, THE GOOD DOCTOR DECLARED WITHOUT ANY INHIBITION THAT THE PROPOSED UNION WITH THE OBSERVANTS WOULD ASSURE THEM OF THE FULL PROTECTION BY THE SAXON PRINCES WHO LIKE PARENTS WOULD GUARD THEM IN THE FUTURE AGAINST ANY DISCIPLINARY MEASURES BY THE ECCLESIASTICAL SUPERIORS.

> "... YOU WILL HAVE THE SAXON PRINCES ... NOT ONLY AS PATRONS BUT EVEN AS PARENTS. FOR IF EVER SOMETHING SHOULD BE LACKING BEFORE THE POPE, THE APOSTOLIC SENATE, OR YOUR SUPERIORS, IF EVER SOMETHING SHOULD NOT BE SMOOTH, THE PRINCES WILL BE IMMEDIATELY AT HAND TO FURTHER THE GLORY OF GOD AND THE GROWTH OF YOUR ORDER. ... THEY WILL MAKE EVERYTHING SMOOTH!" 93

OF COURSE THERE WAS ANOTHER SIDE TO THIS ALLURING PORTRAIT OF THE CHRISTIAN PRINCE WHO AS THE BENEVOLENT FATHER OF HIS PEOPLE WOULD "MAKE EVERYTHING SMOOTH" FOR THE OBEDIENT AMONG HIS CHILDREN. THE SPOKESMAN FOR FREDERIC THE WISE WAS AT LEAST HONEST ENOUGH TO SHOW WHAT WOULD HAPPEN IF THE WISHES OF THE PRINCES WERE TO BE REJECTED. WITHOUT ANY APOLOGIES HE POINTED OUT THAT IN THIS CASE THE FRIARS WOULD FIND HELP NEITHER IN GERMANY NOR ITALY SINCE THE INFLUENCE WHICH THE PRINCES HAD BY FAR EXCELLED THEIR OWN.

> "IF YOU SHOULD FAIL THEM - WHICH WE DO NOT BELIEVE - THEN THE PRINCES WILL LOOK OUT FOR THEIR OWN HONOR SO THAT YOU WHO LIVE IN THEIR PRINCIPALITY - LIKE IT OR NOT - WILL BE FORCED TO FULFILL WHATEVER IS JUST AND HONORABLE. THIS IS THE SUM OF THE MATTER FOR WHICH WE HAVE COME: THE SAXON PRINCES - THAT IS FREDERIC AND JOHN IN PARTICULAR, THIS YOU SHOULD KNOW, AS FAR AS

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92. DOELLE, OP. CIT., P. 244. CF. APPENDIX I, PP. A2-5 OF THE PRESENT STUDY FOR A FULLER QUOTATION OF THE TEXT AND ITS TRANSLATION OF THE ADDRESS BY SCHEUERL.

93. IBID.

> THEY ARE CONCERNED - WILL DILIGENTLY WORK TOWARD THE END THAT THOSE WHO ARE SUBJECTS IN THEIR DUCHIES WILL DO WHAT IS HONORABLE, WHAT IS JUST." 94

TO BE SURE HERE SPOKE THE DELEGATE OF THE SAXON ELECTOR. HIS VIEW ON THE BENEFITS TO BE DERIVED FROM THE FAVOR OF THE PRINCES WAS CERTAINLY NOT WITHOUT BIAS. HOWEVER HIS PREDICTION OF THE PAINFUL CONSEQUENCES WHICH WERE TO FOLLOW A REJECTION OF THE PROPOSAL COULD NOT HAVE BEEN MORE ACCURATE. WHEN THE MARTINIANS TURNED DOWN THE PLANNED MERGER WITH THE OBSERVANTS, THE SAXON PRINCES BEGAN TO PUT THE PRESSURE ON THEM. THEY MADE PREPARATIONS FOR TRANSFERRING SOME OF THE FRANCISCAN MONASTERIES WITH A MARTINIAN OUTLOOK TO THE JURISDICTION OF THE VICAR OF THE OBSERVANTS.[95] EQUALLY DISTRESSING WAS THE COMPETITION WHICH WAS CREATED FOR THE MARTINIANS BY THESE OBSERVANT FRIARS WHO WERE ALLOWED TO STRAY WILDLY THROUGH THE COUNTRY IN AN INCREASING MANNER, COMING FROM HALLE, LEIPZIG, MAGDEBURG, AND BRANDENBURG.[96] INVADING THE HOME TERRITORY WHICH THE LOCAL MONASTIC COMMUNITIES HAD HELD TO BE RESERVED FOR THEIR OWN BEGGING, THESE FREELANCING FRIARS CUT PAINFULLY INTO THE REVENUES OF ALMS WHICH FORMERLY HAD BEEN ENJOYED BY THOSE OF THEIR BRETHREN WHO PREFERRED A POVERTY SHARED BY FRIENDS TO A POVERTY SUFFERED ALONE.

NO DOUBT THE PRINCES DID NOT APPLY THE SQUEEZE ON SOME OF THE MONASTERIES WITHOUT FIRST OBTAINING THE PERMISSION FROM ROME. BUT PRECISELY THIS WAS THE POINT IN WHICH DOCTOR SCHEUERL PROVED TO BE ABSOLUTELY CORRECT. THE PRINCES HAD THE CONNECTIONS WITH ROME, AND THE DISTRESSED FRIARS DID NOT. THE LATTER, WHEN THEY BEGAN TO COMPLAIN ABOUT THEIR MISFORTUNE,

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94. IBID., P. 245

95. CF. INFRA, APPENDIX II, PP. A6-7

96. CF. INFRA, APPENDIX III, P. A8-9

DID NOT HOWEVER PROTEST AGAINST THE POWER WHICH THE PRINCES WIELDED IN DECISIONS WHICH INVOLVED THE DISCIPLINE OF THEIR COMMUNITIES, THEIR RELIGIOUS CUSTOMS, AND THEIR SPIRITUAL LIFE. AS THE REDUCTION OF THEIR RESOURCES MADE ITSELF FELT MORE SHARPLY, IT WAS NOW THEY WHO TURNED TO THE ELECTOR SEEKING HIS PATERNAL PROTECTION. NO MATTER WHAT WAS SAID IN THEOLOGICAL TEXTBOOKS ABOUT THE HIERARCHICAL STRUCTURE OF THE CHURCH, IN ACTUAL PRACTICE IT WAS GENERALLY UNDERSTOOD THAT THE TERRITORIAL LORDS COULD WIELD A GREATER ECCLESIASTICAL AUTHORITY THAN THE BISHOPS, ABBOTS, AND RELIGIOUS SUPERIORS, - AND THIS THEY DID WITH FULL PAPAL CONSENT. AS KIRN POINTS OUT,

> "EVEN THE CIRCLES OF THE SPIRITUAL REFORMERS HAD A KEEN AWARENESS FOR THE FACT ... THAT WITHIN THE EXISTING CIRCUMSTANCES THE EQUILIBRIUM OF THE MONASTIC REFORM WOULD BE JEOPARDIZED IF ABBOTS WERE INSTALLED WITHOUT THE KNOWLEDGE AND AGAINST THE WILL OF THE TERRITORIAL LORD." [97]

THE MARTINIANS AMONG THE SAXON FRANCISCANS WERE NOT ALONE IN LEARNING THEIR LESSON.[98] BEFORE THEM OTHERS HAD HAD A SIMILAR EXPERIENCE. THERE HAD BEEN THE BENEDICTINE ABBOT IN REINHOLDSBRUNN WHO WAS MADE TO RESIGN IN 1492 BECAUSE THE ELECTOR AND HIS BROTHER JOHN FOUND HIM UNFIT FOR THE MONASTIC REFORM.[99] THE PROVINCIAL OF THE SAXON DOMINICANS FARED BETTER WHEN HE WAS URGED TO MAKE A SERIOUS EFFORT AT REFORMING A CONVENT IN CRONSCHWITZ. APPARENTLY HE GAVE BETTER HEED TO THE ENJOINDER OF THE ELECTOR: "IF YOU WOULD REFUSE TO DO THAT, WE CAN NO LONGER TOLERATE LEAVING MATTERS IN A

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97. KIRN, OP. CIT., P. 97: "SOGAR IN DEN KREISEN DER GEISTLICHEN REFORMER HATTE MAN EIN GEFUEHL DAFUER ... DASS ES UNTER DEN NUN EINMAL HERRSCHENDEN VERHAELTNISSEN DEN RUHIGEN BESTAND DER KLOSTERREFORM GEFAEHRDE, WENN AEBTE OHNE WISSEN DES LANDESHERREN EINGESETZT WUERDEN."

98. AFTER THEIR PLEAS DID NOT RECEIVE ANY HEARING FROM THE ELECTOR, THE MARTINIANS WERE EVENTUALLY JOINED TO THE OBSERVANTS BY POPE LEO X AT THE ASSEMBLY OF THE FRANCISCANS IN ROME IN 1517. CF. DOELLE, OP. CIT., P. 200.

99. CF. KIRN, OP. CIT., P. 73

STATE OF DISORDERLINESS."[100] WHEN SOME FRENCH ABBOTS FROM THE MOTHER COMMUNITY IN CÎTEAUX DESIRED TO VISIT THE CISTERCIAN MONASTERY IN BUCH, FREDERIC THE WISE MANAGED TO KEEP OUT THE FOREIGNERS AND CARRIED THROUGH A VISITATION BY SAXON CLERGYMEN IN 1497 INSTEAD, ALTHOUGH THESE DID NOT BELONG TO THE SAME RELIGIOUS FAMILY, - TWO BENEDICTINE ABBOTS FROM MAGDEBURG AND AN AUGUSTINIAN PRIOR FROM HALLE.[101]

THERE WAS NO SERIOUS OBJECTION TO THE WAY IN WHICH THE SAXON PRINCES SOUGHT TO REFORM THE CHURCH LIFE IN THEIR LANDS. IN THE OTHER GERMAN PROVINCES THE SITUATION WAS NOT VERY MUCH DIFFERENT. JUST AS WAS DONE BY THE SAXONS, THE RULERS OF BAVARIA, WUERTTEMBERG, AND THE PALATINATE BEGAN TO DEMAND FROM EACH OF THEIR BENEFICES A REGULAR REPORT ON THE CHURCH INCOME, FOR THE PRINCELY CHANCERY.[102] THE HABSBURG PRINCES IN AUSTRIA EVEN HAD BEEN GRANTED THE PAPAL PRIVILEGE OF IMPOSING THEIR OWN TAXES ON THE CHURCHES AND MONASTERIES SINCE THE FIFTEENTH CENTURY, IN ADDITION TO THE SUPERVISION OF THE RELIGIOUS COMMUNITIES WHICH THEY WERE ALLOWED TO CARRY OUT.[103] THE PRINCES WERE ON THE RISE EVERYWHERE, AND THE ROMAN CURIA NOT ONLY TOLERATED BUT OFTEN ENCOURAGED THEIR INCREASING CONTROL OVER THE LOCAL CHURCH LIFE.

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100. IBID., P. 81: "WURD ABER DAS ZU THUN VON EUCH GEWEIGERT, SO KONNEN WIR ES LENGER ALSO IN UNORDENLICHKEIT ZU STEEN NICHT GEDULDEN."

101. CF. IBID., P. 76

102. CF. KIRN, OP. CIT., PP. 101, 108

103. CF. GOTTFRIED EDER: "DIE REFORMVORSCHLAEGE KAISER FERDINANDS I. AUF DEM KONZIL VON TRIENT", RÖF.ST.U.T., HEFT 18 & 19, 1914, PP. 13, 16

It is questionable interpretation which calls this growing influence of the princes on ecclesiastical matters an interference with "the external robe" of the church only and not with "the inner life" of the church, as Hashagen maintains.[104] While everyone is of course entitled to his own distinction between the "external robe" and the "inner life of the church", it must be remembered that these categories of modern Protestantism were quite unfamiliar to the sixteenth century. For the friars, the clergy, and the princes of that time the changes in the communal way of life of the monastic congregations, in the discipline of the diocesan clergy, and in the order of the parishes were not an external thing only. For them they were reforms of the church, and as such they formed very much a part of their spiritual life. The princes could therefore not justify their interventions on the grounds of a limitation to externals only. Rather they found their justification in the right of necessity which they felt authorized to exercise in the case of an emergency. This was not only the privilege but also the Christian obligation of the prince which had gained general acceptance, particularly since the Great Schism.[105] This was also the argument which the Saxon princes made use of in the justification of their own church reforms. In a letter of March 27, 1492, Freberic the Wise urged the Cistercian abbot of Fulda to go to work with the reforms of a convent with the admonition "so that we need not intervene as is our right derived from the emergency and from princely authority."[106] In an order to get on with

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104. Hashagen, op. cit., p. 80

105. Ibid., p. 82

106. Kirn, op. cit., p. 78: "... domit uns nit not sein dorfe, aus notfurderung und furstlicher oberigkait, als uns zustenet, anders bei den Dingen zu thun."

THE VISITATION OF THE MONASTERIES, THE DUKES ERNEST AND ALBERT HAD IN 1464 ONCE APPLIED THE SAME RULE TO THE BISHOP OF MEISSEN IN THIS HIGHLY METAPHORICAL MANNER: "... SO THAT IT WILL NOT BE NECESSARY FOR US TO EXHORT AND SPUR YOU FURTHER LIKE A DOCILE HORSE."[107]

IT IS THEREFORE IMPOSSIBLE TO SPEAK OF AN ESTABLISHED TERRITORIAL CHURCH GOVERNMENT OF THE PRINCES BEFORE THE PROTESTANT REFORMATION JUST AS IT IS IMPOSSIBLE TO SPEAK OF A PERMANENT CONSTITUTIONAL RIGHT FOR THEIR EXERCISE OF AUTHORITY IN THE CHURCH. THE EXTENT AND THE LIMITS OF THEIR ECCLESIASTICAL FUNCTIONS WERE STILL IN A STATE OF FLUX.

> "INSTEAD OF REFERRING TO A STATUTE, THE PRINCE JUSTIFIES HIS DECISION BY HIS DUTY TO PROTECT EVERYONE IN HIS RIGHT, OR TO GUARD THE CHURCHES AND THE MONASTERIES, OR TO DEFEND THE WIDOWS AND ORPHANS, OR WHATEVER ELSE MAY BE THE CASE." [108]

YET IT IS EQUALLY IMPOSSIBLE TO DENY A STEADY, IF AT TIMES IMPERCEPTIBLE, GROWTH OF THE AUTHORITY WHICH THE PRINCE HELD IN THE SPIRITUAL LIFE, ALTHOUGH IT HAD NOT YET BEEN DEVELOPED INTO AN ARTICULATE PRINCIPLE OF AUTHORITY. AS WE HAVE SEEN, ALREADY BEFORE THE PROTESTANT REFORMATION THE PRINCE WAS SEEN LESS AS THE SECULAR PROTECTOR OF THE CHURCH AND MORE AS THE SPIRITUAL FATHER OF HIS PEOPLE.[109] AFTER ALL, IT WAS HE WHO MADE THE DECISION ON WHAT WAS AN EMERGENCY AND WHAT WAS NOT IN A GIVEN SITUATION. THE SUPREME PASTOR OF THE CHURCH IN ROME WAS AS A RULE QUITE WILLING TO LET HIM MAKE THIS DECISION, AND THE OTHER PASTORS WERE IN NO POSITION TO MAKE AN EFFEC-

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107. IBID., P. 102: "... ALSO DAS UNS NICHT NOT WERE, UCH ALS DAS WILLIGE PFERT FERRER ZU ERMANEN UNDE ZU SPORIN."

108. IBID., P. 128: "STATT DER BERUFUNG AUF EINEN PARAGRAPHEN ERKLAERT DER FUERST SEINE ENTSCHEIDUNGEN AUS SEINER PFLICHT, JEDEN BEI SEINEM RECHTE ZU SCHUETZEN ODER KIRCHEN UND KLOESTER ZU SCHIRMEN, ODER WITWEN UND WAISEN ZU VERTEIDIGEN ODER WAS EBEN SONST VERLIEGT."

109. CF. SUPRA, P. 52

TIVE PROTEST. THUS IT WAS NOT SURPRISING THAT THE ACTUAL NUMBER OF CASES COULD STEADILY INCREASE IN WHICH ANOTHER EMERGENCY CALLED FOR INTERVENTION BY THE PRINCE. ALREADY BY 1520 THERE WAS NO NEED TO EXHORT THE BISHOPS TO CARRY OUT THE VISITATION OF THE MONASTERIES AS THERE HAD BEEN IN 1464. THE CENTER IN THE SUPERVISION OF THE MONASTERIES HAD BECOME THE ELECTOR.

> "THE RIGHTS, WHICH THE BISHOP HERE AND THERE HAD NOT EXERCISED IN ORDER TO DO A FAVOR [TO THE ELECTOR] AND NOT TO DELAY NECESSARY MEASURES THROUGH A QUARREL, WERE IN DANGER TO PASS OVER COMPLETELY INTO THE HANDS OF THE SECULAR POWER." 110

WHILE IT ALL STILL "REMAINED INCOHERENT PATCHWORK", AS HASHAGEN CALLS IT,[111] A CONSIDERABLE PROGRESS HAD BEEN MADE BY THE PRINCES ON THE ROAD FROM A RIGHT OF NECESSITY TO A PRESCRIPTIVE RIGHT BY CUSTOM IN THEIR CONTROL OF THE CHURCHES, EVEN BEFORE LUTHER EVER PUBLISHED HIS FAMOUS TREATISE.

AS THE PRINCES INCREASINGLY EXERCISED THE FUNCTIONS WHICH TRADITIONALLY HAD BEEN THE PRIVILEGE OF THE BISHOPS, THE UNITY OF THE CHURCH WAS INEVITABLY PUT UNDER SEVERE STRAINS. EVEN IF THEIR PERSONAL INTENTIONS WERE COMPLETELY UNSELFISH, AS KIRN MAINTAINS IN THE CASE OF FREDERIC THE WISE,[112] THEIR DECISIONS WERE USUALLY PUT INTO PRACTICE BY THEIR COURTIERS, ADMINISTRATORS, AND BUREAUCRATS WHO MIGHT TAKE A DIFFERENT VIEW OF THE IMPORTANCE OF AN ELECTORAL OFFICE THAN DID THE ELECTOR HIMSELF IN THE DEALINGS WITH THE LOCAL CLERGY AND DIOCESAN OFFICIALS.[113] IT IS TRUE THE PRINCES DID NOT

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110. KIRN, op. cit., p. 89: "DIE RECHTE DES BISCHOFS, DIE DIESER AUS GEFAELLIGKEIT UND UM NICHT DURCH STREIT NOTWENDIGE MASSNAHMEN ZU VERZOEGERN, HIER UND DA NICHT AUSGEUEBT HABE, DROHTEN GANZ IN DIE HAENDE DER WELTLICHEN GEWALT UEBERZUGEHEN."

111. HASHAGEN, op. cit., p. 80

112. KIRN, op. cit., p. 127

113. Ibid., p. 37

YET ASSERT THEIR AUTHORITY AS AN INDEPENDENT ABSOLUTE RIGHT. EVEN IN THE CONFLICTS WITH INDIVIDUAL MEMBERS OF THE CHURCH HIERARCHY, THEY WERE CAREFUL THAT THEIR ACTIONS DID NOT CONFLICT WITH THE HIERARCHICAL INSTITUTION OF THE CHURCH AS A WHOLE. THEREFORE THEY TOOK PAINS TO OBTAIN A GENERAL PAPAL CONSENT FOR THE REFORMS WHICH THEY FELT TO BE NECESSARY. WAS IT NOT THE ROMAN PONTIFF WHO REPRESENTED THE FULL AUTHORITY OF THE ENTIRE CHURCH? YES, BUT ALL TOO OFTEN HE DID SO ONLY IN THEORY. THE HEAD OF THE CHURCH WAS FAR AWAY IN ROME, IN MANY INSTANCES BADLY INFORMED ABOUT THE LOCAL SITUATION IF NOT TOTALLY UNINTERESTED IN IT. HIS DELEGATES, HOWEVER, WERE FAR FROM PURSUING A CONSISTENT AND GENERALLY AGREED UPON POLICY. WITH THE DIVERGING CONCEPTS WHICH HAD EMERGED FROM THE REFORM COUNCILS OF THE FIFTEENTH CENTURY, NOTHING ELSE COULD BE EXPECTED.

THE PRINCIPLE OF THE UNIMPEACHABLE POPE, FAR FROM EXERTING A RESTRAINT ON THE POWER OF THE TERRITORIAL RULERS AS IN THE TIME OF GREGORY VII, THUS PROVIDED A POLITICALLY ABLE PRINCE WITH A CONVENIENT COVER FOR THE ADVANCE OF HIS OWN INTERESTS; FOR IT MADE IT POSSIBLE TO PLAY OFF THE DIFFERENT MEMBERS OF THE HIERARCHY AGAINST EACH OTHER WITHOUT LOSING THE APPEARANCE OF OBEDIENCE TO THE FINAL AUTHORITY FOR THE CHURCH. HOW THE PRINCES MADE USE OF THIS OPPORTUNITY IS WELL ILLUSTRATED BY THE "GRIEVANCES OF THE GERMAN NATION", WHICH THEY EXPRESSED AT THE IMPERIAL DIETS.[114] CAREFUL NOT TO TOUCH THE INSTITUTION OF PAPAL SUPREMACY, THEIR SHARP CRITICISM DID NOT SPARE MANY OF THE OTHER MEMBERS OF THE HIERARCHY. IT COVERED THE WHOLE RANGE FROM PAPAL DELEGATES TO DIOCESAN OFFICIALS AND ON TO THE HOLDERS OF

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114. CF. MIRBT, OP. CIT., (4TH ED., TUEBINGEN), P. 259F AND ITS TRANSLATION IN APPENDIX IV OF THIS STUDY, PP.A10-11.

THE BENEFICES AND LOCAL PASTORS. THESE WERE THE ONES ON WHOM THE PRINCES LAID THE BLAME FOR THE EVILS MANIFEST IN THE CHURCH EVERYWHERE, - THE IGNORANCE AND IMMORALITY OF THE CLERGY, THE ACCUMULATION OF BENEFICES, THE ABUSES OF THE INTERDICT, THE EXACTION OF MONEY. IRONICALLY ENOUGH, THE PRINCES RAISED THEIR CRITICISM ON BEHALF OF THE POOR SIMPLE PEOPLE. BUT ONE LOOKS IN VAIN FOR A RECOGNITION OF THEIR OWN PART IN CREATING THESE DISASTROUS CONDITIONS. BUT IT WAS NOT SO, THAT THEY WERE COMPLETELY UNAWARE OF THEIR OWN INVOLVEMENT IN THE SPIRITUAL CAPTIVITY OF THEIR CHURCH. IT WAS MORE ADVANTAGEOUS TO PASS IT OVER IN SILENCE. IN AN EVALUATION OF LUTHER'S ADDRESS TO THE GERMAN NOBILITY FOR THE DEAN OF MEISSEN IN OCTOBER 1520, EVEN SUCH A DECLARED ENEMY OF LUTHER AS DUKE GEORGE OF SAXONY FELT FORCED TO MAKE THIS ADMISSION WHICH THE PRINCES DID NOT WANT TO EXPRESS IN PUBLIC:

> "HOWEVER NOT EVERYTHING IS FALSE THAT IS WRITTEN IN IT. NOR IS IT VAIN THAT IT COMES TO DAYLIGHT ... AND ALTHOUGH NOBODY DARES TO SPEAK OF IT, ... THE STONES WILL BEGIN TO TALK. ... THE CREW IN ROME ALL OF THEM TAKEN TOGETHER, HOW THEY SEEK DAY AND NIGHT HOW THEY MIGHT BRING ALL THE SUBSTANCE OF ALL NATIONS TO THEMSELVES ... AND SO THAT ALL IS NICELY COVERED UP, THEY THROW SOMETIMES A BONE IN MY MOUTH OR IN THAT OF ANOTHER PRINCE, HERE IN FORM OF A SUFFRAGANATE, HERE IN FORM OF A RESERVATION, THERE IN FORM OF A DISPENSATION." 115

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115. HASHAGEN, <u>OP. CIT.</u>, P. 91: "WYWOL ES DENNOCH NICHT ALLES UNWAR IST, SO DORIN STET, OUCH NICHT UNNOT, DASS ES AN TAG KOMPT. ... UND SO NIEMAND DORVAN REDEN THAR, ... SO WERDEN DY STEINE REDENT. ... DAS VERSAMMELTE FOLG ZOU ROM, WY DY TAG UND NACHT TRACHTEN, WY SY AL SUBSTANCIEN ALLER NACION UNTER SICH BRINGEN MOGEN. ... UND DOMIT SO ES VERBLUMPT WIRD, SO WIRFFT MAN MIR ABER EIM ANDERN FURSTEN ZCUWEIL EIN KNOCHEN INS MAUL, NY MIT EINER COADJUTOREY, NY EIN RESERVAT, DO EIN DISPENSACION."

CHAPTER II:

THE GENESIS OF LUTHER'S PRINCIPLE OF ECCLESIASTICAL AUTHORITY

PREFATORY REMARKS

Like many other men Luther in his later years looked very critically upon his first works and was ready to accept them only with many reservations. In the preface to his Complete Works of 1545, he asked the reader "to read my earliest books very circumspectly and with much pity". He felt that even at the publication of his famous 95 Theses in 1517 he was still

> "... so full and drunken, yea, so besotted in papal doctrine that ... I would have been ready to do murder ... on all who would not be obedient and subject to the pope, even to his smallest word." 116

Luther research in our days, however, holds a different view for the most part. Man is not always the best judge of his own works, and Luther is no exception to this general rule. It has become increasingly difficult to share Luther's bias against his own first productions. As has been pointed out, "there prevails a rediscovery of the young in the old Luther". 117

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116. Works of Martin Luther, ed. by United Lutheran Church in America, Muhlenberg Press, Philadelphia, 1930ff - hereafter referred to as Philadelphia Edition - Vol. I, p. 10. The Latin original is found in D. Martin Luthers Werke, ed. by J.F.K. Knaake et al, Hermann Boehlau, Weimar, 1883ff - hereafter referred to as WA - Vol. 54, 179, 25ff.

117. Ernst Wolf: Peregrinatio, Christian Kaiser Verlag, Muenchen, 1954, p. 53: "... it is part of the methodological recognitions of the more recent Luther research that the attempt to dissolve apparent or real contradictions in Luther's statements by means of a 'historical development', has to be met with increasing refusal, and that in place of the favorite separation of the 'young' and the 'old' Luther there prevails the rediscovery of the 'young' in the 'old' [Luther]." ("... es gehoert mit zu den methodologischen Erkenntnissen der neueren Lutherforschung, dass man dem Versuch, scheinbare oder wirkliche Widersprueche in den Aussagen Luthers 'entwicklungsgeschichtlich' aufzuloesen, mit wachsender Ablehnung zu begegnen des 'alten' Luther das Wiederfinden des 'jungen' im 'alten' sich durchsetzt.")

THE OBVIOUS DANGER OF THIS NEW APPROACH TO LUTHER IS THAT IN THE BELIEF OF HAVING FOUND THE FINAL CLUE ALREADY IN THE YOUNG LUTHER IT MAY OVERLOOK MODIFICATIONS WHICH THE REFORMER HAD TO MAKE IN HIS POSITION WITH THE PASSAGE OF TIME. AS A RESULT IT MAY PRESENT A MONOLITHIC UNITY WHICH LUTHER'S OWN THOUGHT NEVER POSSESSED BUT WHICH WAS CONSTRUCTED ONLY AFTERWARDS BY HIS BIOGRAPHERS.[118] BUT TO THE DANGER OF DOGMATIZING A PARTICULAR PART OF LUTHER'S POSITION EVERY INTERPRETATION IS EXPOSED, - THE ONE WHICH CENTERS ON A FULLY PERFECTED VIEW OF THE "MATURE REFORMER" MORE SO THAN THE ONE WHICH ACCOMPANIES LUTHER FROM HIS EARLY BEGINNINGS. THE OBVIOUS ADVANTAGE OF THIS NEW METHOD, HOWEVER, IS THAT IT CAN SHOW MORE CLEARLY THE INDISSOLUBLE TENSIONS AND INCONSISTENCIES WHICH LUTHER NEVER OVERCAME IN HIS POSITION, A TRAIT WHICH HE SHARES WITH OTHER CREATIVE THINKERS WHO SERIOUSLY STRUGGLED WITH THE ISSUES OF THEIR TIMES. IN THIS MANNER HISTORICAL RESEARCH IS FREED FROM THE OBLIGATION OF EXPLAINING AWAY THE ROUGH SPOTS IN LUTHER FOR THE SAKE OF A HARMONIZATION OF THE HISTORICAL DEVELOPMENT.

THE ONE MAN WHO DESERVES THE CREDIT FOR FORGING THIS NEW TOOL IN LUTHER STUDIES IS ABOVE ALL KARL HOLL, WHO AFTER WORLD WAR I "PULLED

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118. CF. THE WARNING OF GERHARD MUELLER, WHO HIMSELF STRESSES THE UNITY OF THE YOUNG AND OLD LUTHER, "DIE EINHEIT DER THEOLOGIE DES JUNGEN LUTHER" IN REFORMATIO UND CONFESSIO, FESTSCHRIFT FUER WILHELM MAURER, ED. FRIEDRICH KANTZENBACH UND GERHARD MUELLER, LUTHERISCHES VERLAGSHAUS, BERLIN & HAMBURG, 1965, P. 45: "HOWEVER THE STATEMENTS OF THE YOUNG LUTHER MATCH VERY MUCH THE EXPRESSIONS OF THE LATER REFORMER. BUT THE YOUNG LUTHER IS NOT YET 'FINISHED'. THERE IS NOT YET HIS ENTIRE THEOLOGY IN THE FIRST LECTURE ON PSALMS OR IN THE LECTURE ON ROMANS AS ONCE WAS ASSUMED IN THE FIRST JOY OF DISCOVERY." ("DAGEGEN GLEICHEN DIE AUSSAGEN DES JUNGEN LUTHER IN VIELEM DEN AEUSSERUNGEN DES SPAETEREN REFORMATORS. JEDOCH IST DER JUNGE LUTHER NOCH NICHT 'FERTIG'. ES STECKT NOCH NICHT SEINE GESAMTE THEOLOGIE IN DER ERSTEN PSALMEN- ODER ROEMERBRIEFVORLESUNG, WIE MAN FRUEHER IN DER ERSTEN ENTDECKERFREUDE GEMEINT HATTE.")

AROUND THE COURSE OF LUTHER RESEARCH, FROM THE OLD TO THE YOUNG LUTHER"
THROUGH HIS PENETRATING ANALYSIS OF THE REFORMER'S EARLY WORKS.[119] CERTAINLY THE CONCLUSIONS AT WHICH THIS PIONEER ARRIVED HAVE IN THE MEANTIME COME UNDER SHARP CRITICISM, AND OFTEN NOT WITHOUT REASON. "HOW UNOBJECTIVE AND UNHISTORICAL SUCH AN INTERPRETATION IS, NEEDS NO FURTHER ELUCIDATION", REGIN PRENTER THUNDERS AGAINST HIM FOR RELEGATING THE SACRAMENT TO A PLACE OF INSIGNIFICANCE IN LUTHER'S CONCEPT OF THE CHURCH.[120] A MORE BALANCED APPRAISAL OF HOLL'S WORK COMES FROM THE PEN OF HANS JOACHIM IWAND:

> "HIS ESSAYS ... READ LIKE THE QUESTIONS OF A NICODEMUS. THE OLD SCHOLAR OUT OF RITSCHL'S SCHOOL CANNOT GET AWAY ANY LONGER FROM WHAT THE YOUNG DOCTOR IN BIBLICAL SUBJECTS HAS TO TELL HIM. NO MATTER HOW QUESTIONABLY HE MAY INTERPRET HIM WITH HIS CONCEPT OF ' A RELIGION OF THE CONSCIENCE', HE PRESERVED THE DISTINCTION BETWEEN WHAT HE HAD TO ASK AND WHAT LUTHER HAD TO SAY BETTER THAN ALL INTERPRETATIONS WHICH SO FAR HAD BEEN CUSTOMARY: THE MOST IMPORTANT THINGS IN THIS BOOK ARE WRITTEN UNDER THE LINE [AT THE BOTTOM IN THE FOOTNOTES]. THERE LUTHER SPEAKS HIMSELF ..." [121]

BUT THE BASIC APPROACH OF HOLL TO LUTHER HAS BEEN ACCEPTED BY THE MAJORITY OF LUTHER SCHOLARS TODAY, INCLUDING SUCH A SHARP CRITIC AS PRENTER. A HISTORICAL STUDY OF LUTHER'S PRINCIPLE OF ECCLESIASTICAL AUTHORITY CANNOT

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119. H.J. IWAND: UM DEN RECHTEN GLAUBEN, ED. K.G. STECK, CHRISTIAN KAISER VERLAG, MUENCHEN, 1959, P. 227: "... DER ... DEN KURS DER LUTHERFORSCHUNG HERUMREISST, VOM ALTEN ZUM JUNGEN LUTHER."

120. REGIN PRENTER: SPIRITUS CREATOR, TRANS. BY JOHN M. JENSEN, MUHLENBERG PRESS, PHILADELPHIA, 1953, P. 136

121. IWAND, IBID.: "WIE EIN NIKODEMUSGESPRAECH LESEN SICH SEINE ... AUFSAETZE, DER ALTE GELEHRTE AUS DER SCHULE RITSCHLS KANN NICHT LOS VON DEM, WAS DER JUNGE DOKTOR IN BIBLIIS IHM ZU SAGEN HAT. MAG ER IHN AUCH NOCH SO FRAGWUERDIG INTERPRETIEREN MIT SEINEM BEGRIFF VON 'GEWISSENSRELIGION', ER HAT DEN UNTERSCHIED ZWISCHEN DEM, WAS ER ZU FRAGEN UND DEM, WAS LUTHER ZU SAGEN HATTE, BESSER GEWAHRT ALS ALLE BIS DAHIN UEBLICHEN LUTHERDARSTELLUNGEN: DAS WICHTIGSTE IN DIESEM BUCHE STEHT UNTER DEM STRICH. DORT REDET LUTHER SELBST ..."

BE OTHERWISE. LUTHER'S NEW CONCEPT OF THE CHRISTIAN CHURCH DID NOT SUDDENLY FALL FROM HEAVEN WITH THE PUBLICATION OF THE 95 THESES NOR WAS IT A PRODUCTION WHICH SUDDENLY ERUPTED FROM HELL IN THE YEAR 1517. WHATEVER ITS MERITS AND FAULTS IT NEEDS TO BE SEEN BY A HISTORICAL STUDY WITHIN THE CONTEXT OF LUTHER'S PREVIOUS WORK.

WE SHALL THEREFORE WITHHOLD UNTIL LATER A JUDGMENT ON THE QUESTION WHETHER THE OLD LUTHER WAS RIGHT IN THE UNCHARITABLE EVALUATION OF HIS EARLY WORKS. RATHER WE SHALL HAVE THE YOUNG PROFESSOR FROM SAXONY TELL US IN HIS OWN WORDS WHETHER HIS PUBLIC TEACHING WAS INDEED "SO BESOTTEN IN PAPAL DOCTRINE". HOWEVER ON ONE VERY OBVIOUS POINT THE OLD LUTHER UNDOUBTEDLY PROVES TO BE CORRECT. THE RECENTLY APPOINTED DOCTOR IN BIBLICAL STUDIES, WHO STARTED HIS PUBLIC CAREER BY LECTURING ON THE PSALMS FROM THE SUMMER OF 1513 TO CHRISTMAS OF 1515 AND ON PAUL'S EPISTLE TO THE ROMANS FROM SPRING 1515 TO FALL 1516,[122] WAS NOT A REBEL AGAINST THE PRINCIPLE OF PAPAL SUPREMACY.

LUTHER SEEMS OBLIVIOUS OF THE CRISIS OF AUTHORITY WITHIN THE CHURCH AT THAT TIME. HE DOES NOT FEEL OBLIGED TO TAKE A SIDE IN THE CONTROVERSY BETWEEN PAPALISTS AND CONCILIARISTS. HARDLY A MENTION IS MADE OF THE GROWING IMPORTANCE OF THE SAXON ELECTOR IN CHURCH AFFAIRS. THE YOUNG PROFESSOR DOES NOT TAKE A POSITION IN THE PETTY QUARRELS BETWEEN THE ARCHDEACONS OF THE EPISCOPAL OFFICE AND THE ELECTORAL OFFICIALS. THE

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122. LUTHER'S LECTURES ON PSALMS 1513-1515 IS FOUND IN WA 3 AND 4, HIS LECTURES ON ROMANS 1515-1516 IN WA 56. WHILE THE LECTURES ON PSALMS HAVE SO FAR NOT BEEN TRANSLATED INTO ENGLISH, THERE IS AN EXCELLENT ENGLISH TRANSLATION OF ALMOST THE ENTIRE TEXT OF THE LECTURES ON ROMANS BY W. PAUCK IN LUTHER: LECTURES ON ROMANS, LIBRARY OF CHRISTIAN CLASSICS, VOL. 15, WESTMINSTER PRESS, PHILADELPHIA, 1961, HEREAFTER ABBREVIATED AS LR.

FAVORITE EXPLANATION, THAT LUTHER CANNOT BE EXPECTED TO HAVE KNOWN OF THESE ISSUES SINCE AS A MEDIEVAL MONK HE WAS ESTRANGED FROM THE BUSINESS OF THE WORLD, TURNS OUT TO BE AN EASY ESCAPE. IN THE SAME MANNER WE WAIT IN VAIN FOR A REFERENCE TO THE DISPUTES WHICH AT THAT TIME KEPT ALL THE MONASTIC FAMILIES IN A STATE OF CONSTANT AGITATION. ALTHOUGH ONE OF LUTHER'S MOST INTIMATE FRIENDS, JOHANN VON STAUPITZ, WAS THE VICAR-GENERAL OF THE GERMAN CONGREGATION OF OBSERVANTS IN LUTHER'S ORDER OF THE AUGUSTINIAN HERMITS AND AS SUCH WAS STEEPED IN THE TASK OF REORGANIZING THIS MONASTIC FAMILY, THERE IS NO COMMENT FROM THE YOUNG DOCTOR ON THESE EFFORTS AT MONASTIC REFORM. ALTHOUGH HE HIMSELF WAS JUST RECENTLY SENT BY VON STAUPTTZ TO ROME AS A REPRESENTATIVE OF THE CHAPTER OF AUGUSTINIAN OBSERVANTS IN ERFURT, THERE IS NOT A WORD ON THE DISPUTE BETWEEN CONVENTUALS AND OBSERVANTS. LIKEWISE LUTHER SEEMS TO OVERLOOK THE ABUSES EVIDENT IN THE ADMINISTRATION OF THE CHURCH EVERYWHERE. HE DOES NOT EVEN CONCERN HIMSELF WITH THE ACCUMULATION OF BENEFICES WHICH PAYS FOR HIS OWN POST AT THE WITTENBERG UNIVERSITY [123] AND WHICH IS DEPLORED BY HIS CONTEMPORARIES AS A WIDESPREAD GRAVE OFFENSE.[124]

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123. THE LARGEST AMOUNT FOR THE SUPPORT OF THE UNIVERSITY IN WITTENBERG DID NOT COME DIRECTLY FROM THE ELECTORAL TREASURY IN SPITE OF THE STRONG PERSONAL INTEREST WHICH FREDERIC THE WISE TOOK IN THE YOUNG ACADEMY, BUT FROM AN INTRICATE SYSTEM OF ACCUMULATING VARIOUS BENEFICES - MUCH TO THE DETRIMENT OF CHURCH LIFE IN SOME OF THE CONGREGATIONS INVOLVED. THE CHAPTER OF ALL SAINTS' CHURCH HAD BEEN INCORPORATED INTO THE UNIVERSITY BUT HAD ALSO BEEN ENLARGED BY THE THREE DEANERIES OF KLEMBERG, KLOEDEN, AND SCHLIEBEN AS WELL AS BY SEVEN PARISH CHURCHES AND A CHAPEL. KIRN, OP. CIT., P. 111: "THE INDIVIDUAL POSTS OF THE CHAPTER [OF ALL SAINTS'] WERE LINKED TO DEFINITE COMMISSIONS TO TEACH AT THE UNIVERSITY, FOR WHICH THE INCOME WAS GUARANTEED IN SUCH A MANNER THAT THE HOLDER OF SUCH A POST WOULD RECEIVE ONE OF THE MENTIONED BENEFICES. HOWEVER HE WOULD NOT RESIDE AT THAT PARTICULAR CHURCH HIMSELF BUT WOULD HAVE A VICAR OR PARSON ADMINISTER HIS ECCLESIASTICAL OFFICE

LUTHER IS EVIDENTLY OCCUPIED WITH OTHER THINGS. AS TO BE EXPECTED, HIS FIRST YEARS OF TEACHING ARE A PERIOD OF NEW DISCOVERIES FOR HIM. WHAT IS FOUND TO BE THE CENTRAL THEME IN THESE LECTURES IS THE SOLE MEDIATORSHIP OF CHRIST. LUTHER CANNOT GET AWAY FROM REFLECTING ON THE GREAT MYSTERY OF THE ENCOUNTER BETWEEN GOD AND MAN. HE FINDS NO OTHER SOLUTION FOR IT BUT THE ONE WHICH IS OFFERED BY JESUS CHRIST, THE SON OF GOD WHO HAS BECOME FLESH. THE DISCOVERIES OF THESE YEARS OPEN UP BEFORE HIM THE PERSON AND THE WORK OF JESUS CHRIST AS THE CENTER OF ALL HUMAN LIFE AND THUS ALSO OF THE LIFE OF THE CHURCH.

ACCORDING TO LUTHER'S OWN WITNESS,[125] THESE NEW EXPERIENCES FIND THEIR CLIMAX IN THE "TURMERLEBNIS", IN WHICH HE IS STRUCK IN A PARTICULARLY FORCEFUL MANNER BY THE COMPREHENSION OF GOD'S RIGHTEOUSNESS IN THE WORK OF CHRIST. THERE HAS BEEN A LONG DEBATE ON THE QUESTION TO WHAT PERIOD OF HIS CAREER LUTHER REFERS WHEN RELATING THIS EXPERIENCE IN 1545. IT DOES NOT FALL WITHIN THE SCOPE OF THE PRESENT STUDY TO ENTER INTO THIS DETAILED CONTROVERSY. THERE CAN BE NO DOUBT THAT LUTHER IS FORMULATING HIS CONCEPT OF

WHILE DRAWING AS HIS PENSION A FIXED AMOUNT FROM THE REVENUES OF THE PARISH; THE VICAR HAD TO BE CONTENT WITH A MODEST SETTLEMENT." ("DIE EINZELEN WUERDEN IN DER STIFTSKIRCHE WURDEN FEST VERBUNDEN MIT LEHRAUFTRAEGEN AN DER UNIVERSITAET, IHRE EINKUENFTE DADURCH SICHER GESTELLT, DASS DER INHABER EINER SOLCHEN STELLE MIT EINEM DER GENANNTEN KIRCHENLEHEN BELEHNT WURDE; ER HIELT ABER KEINE RESIDENZ AN DER DORTIGEN KIRCHE, SONDERN LIESS SEIN KIRCHLICHES AMT DURCH EINEN VIKAR ODER PLEBAN VERWALTEN UND BEZOG VON DEN EINKUENFTEN DER PFARRE EINEN FESTEN SATZ ALS PENSION; DER VIKAR MUSSTE MIT EINER BESCHEIDENEN CONGRUA VORLIEB NEHMEN.")

124. CF. THE "GRIEVANCES OF THE GERMAN NATION", INFRA, APPENDIX IV, P. A

125. WA 54, 179-187

GOD'S RIGHTEOUSNESS THROUGHOUT THE ENTIRE COURSE OF HIS EARLY LECTURES. THIS RELATION BETWEEN GOD'S RIGHTEOUSNESS AND THE VISIBLE COMMUNITY OF BELIEVERS, THEN, IS WHAT NEEDS TO BE ANALYZED BY A STUDY OF THE PRINCIPLE OF ECCLESIASTICAL AUTHORITY IN THE YOUNG LUTHER. THE PRECISE DATING OF THE EVENT IN WHICH LUTHER FELT UNUSUALLY OVERWHELMED BY A COMPREHENSION OF GOD'S RIGHTEOUSNESS, HOWEVER, MUST BE RESERVED FOR STUDIES WHICH HAVE PRIMARILY A BIOGRAPHICAL CONCERN IN LUTHER'S LIFE. EVEN BIZER, WHO HAS REOPENED THE DEBATE THROUGH HIS INSISTENCE THAT THE "TURMERLEBNIS" OCCURRED NOT BEFORE 1519,[126] HAS TO CONCEDE THAT THE MARKED CHANGE IN LUTHER'S ATTITUDE TO THE OFFICIAL REPRESENTATIVES FROM 1519 ON WAS CAUSED NOT BY THIS PARTICULAR EXPERIENCE BUT BY LUTHER'S REALIZATION THAT HIS CONCEPT OF ECCLESIASTICAL AUTHORITY WAS NOT SHARED BY THE CHURCH LEADERS OF HIS TIME.[127]

LUTHER DOES NOT TIRE OF POINTING OUT TO HIS STUDENTS HOW THE INSURMOUNTABLE TENSIONS WHICH EXIST BETWEEN GOD AND MAN FIND THEIR RESOLUTION IN THE MEDIATING WORK OF JESUS CHRIST. THIS IS THE MAIN THEME OF HIS LEC-

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126. ERNST BIZER: FIDES EX AUDITU, 2ND EDITION, BUCHHANDLUNG DES ERZIEHUNGSVEREINS, NEUKIRCHEN, KREIS MOERS, 1961, PARTICULARLY P. 168F, CHALLENGES THE GENERAL VIEW PROPOSED BY ERICH VOGELSANG AND HEINRICH BORNKAMM, WHICH DATES THE "TURMERLEBNIS" DURING THE FIRST LECTURE ON PSALMS 1514/15. BIZER CONTENDS THAT IT OCCURRED DURING THE SECOND LECTURE ON PSALMS 1518/19. AN END OF THIS CONTROVERSY IS NOT LIKELY TO BE IN SIGHT IN SPITE OF THE ADMONITION OF GORDON RUPP, WHO HIMSELF ACCEPTS VOGELSANG'S CONCLUSION AS A SUFFICIENTLY PROBABLE DATE: "... WE MUST NOT SUCCUMB TO THE PERENNIAL TEMPTATION TO ALL HISTORIANS, OF PROPOUNDING CERTAIN JUDGMENTS WHERE IN TRUTH THE EVIDENCE IS INSUFFICIENT." GORDON RUPP: THE RIGHTEOUSNESS OF GOD, HODDER & STOUGHTON, NEW YORK, 1953, P. 137

127. BIZER, OP. CIT., P. 175: "SINCE THEY [THE ECCLESIASTICAL AUTHORITIES] ARE IN CONTRADICTION TO SCRIPTURE AND ARE NOT EVEN INTERESTED IN WHAT SCRIPTURE SAYS, THEREFORE HE CAN NO LONGER BE OBEDIENT TO THEM." ("DA SIE [DIE KIRCHLICHE AUTORITAET] SICH IM GEGENSATZ ZUR SCHRIFT BEFINDET UND SICH NOCH NICHT EINMAL DAFUER INTERESSIERT, WAS DIE SCHRIFT SAGT, SO KANN ER IHR NICHT MEHR GEHORCHEN.")

TURES. IN COMPARISON TO THIS PRINCIPAL CONCERN OF HIS, EVERYTHING ELSE SEEMS TO HAVE TO TAKE SECOND PLACE. HIS COMMENTS ON THE CONCRETE LIFE OF THE CHURCH OF HIS TIME APPEAR THEREFORE ONLY AT THE MARGIN OF HIS LECTURES. THEY ARE STILL IMPLICATIONS WHICH ARE OFTEN NOT YET FULLY DEVELOPED. TO MAKE THEM EXPLICIT WILL BE THE PURPOSE OF THIS CHAPTER, BY COLLECTING AND ORGANISING THEM IN A SYSTEMATIC ORDER WHICH FOLLOWS LUTHER'S CONCEPT OF CHRIST'S MEDIATORSHIP. HOWEVER FAIRNESS DEMANDS OF THE EXEGETE THAT HE FIRST ACCOMPANY LUTHER ALONG THE WAY OF HIS OWN TOPIC. IT WILL BE NECESSARY FIRST TO UNDERSTAND THE CONCLUSIONS AT WHICH LUTHER ARRIVES IN ANSWER TO THE PROBLEM OF CHRIST'S WORK IN THE DIVINE-HUMAN ENCOUNTER.[128] ONLY AFTER THIS CONTEXT OF LUTHER'S OWN THOUGHT HAS BEEN ESTABLISHED, CAN THE HISTORIAN THEN PROCEED WITH THE TASK OF SETTING FORTH THE IMPLICATIONS WHICH THE ANSWERS WHICH HAVE BEEN FOUND CONTAIN FOR LUTHER'S PERSONAL RELATIONSHIP TO THE CHURCH.

BEFORE TAKING OUR SEATS "IN THE LECTURE ROOM OF THE AUGUSTINIAN HOUSE IN WITTENBERG" THEN,[129] AN INTRODUCTION OF THE YOUNG PROFESSOR CANNOT FOREGO A BRIEF REFERENCE TO HIS PREVIOUS THEOLOGICAL DEVELOPMENT. ALREADY BEFORE 1513 LUTHER HAD COME UNDER THE SPELL OF THE PRINCIPLE OF CHRIST'S SOLE MEDIATORSHIP. IN 1509-1510, WHEN DILIGENTLY PLOUGHING THROUGH THE STANDARD TEXTBOOK OF HIS TIME, PETER LOMBARD'S SENTENCES, HE HAD BEGUN TO MAKE THE FIRST VERY CAUTIOUS ATTEMPTS AT AN ECCLESIOLOGY OF HIS OWN. IT HAD BEEN

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128. IN THE ANALYSIS OF LUTHER'S VIEW ON THE DIVINE-HUMAN ENCOUNTER WHICH IS THE FIRST PART OF THIS CHAPTER, THE INTERPRETATION OF LUTHER BY HANS-JOACHIM IWAND HAS BEEN USED AS A PRINCIPAL GUIDE. H.J. IWAND: GLAUBENSGERECHTIGKEIT NACH LUTHERS LEHRE, 2ND EDITION, CHRISTIAN KAISER VERLAG, MUENCHEN, 1951

129. RUPP, OP. CIT., P. 137

IMPOSSIBLE FOR HIM ALREADY AT THAT TIME SIMPLY TO REPEAT THE CONCEPT WHICH WAS PROPOSED BY LOMBARD AND MOST OTHER SCHOOLMEN, OF THE SACRAMENTAL INFUSION OF A SUPERNATURAL GRACE AS THE SUFFICIENT LINK BETWEEN GOD AND MAN. ACCORDING TO THIS VIEW, THE SACRAMENT WOULD CONFER UPON MAN CHRIST'S SUPERNATURAL POWERS OF GRACE WHICH TRANSFORM MAN'S NATURAL POWER OF FAITH - HIS "FIDES INFORMIS" - INTO A FAITH SUPPORTED BY GRACE, INTO A "FIDES ACQUISITA" WHICH IN TURN WOULD ENABLE MAN TO PRODUCE OUT OF HIMSELF THE WORKS OF GENUINE LOVE NECESSARY FOR SALVATION. LUTHER HAD BEEN UNABLE TO MAKE THE DISTINCTION WHICH THE SCHOLASTIC SYSTEMS REQUIRED BETWEEN GOD'S GRACE AS A SUPPORT ONLY TO MAN'S FAITH AND LOVE AS THE WORK OF MAN. FOR LUTHER "THIS 'FIDES INFUSA' IS INSEPARABLY CONNECTED WITH 'CARITAS'."[130] AT THE VERY START LUTHER HAD THUS BEGUN TO

> "... MOVE AWAY NOT ONLY FROM LOMBARD BUT ALSO FROM THE REPRESENTATIVES OF LATE SCHOLASTICISM BY DISTINGUISHING 'FIDES ACQUISITA' AND 'FIDES INFUSA' AS 'DUAE FIDES' IN SUCH A MANNER THAT HE IDENTIFIES THE 'FIDES INFORMIS' WITH THE 'FIDES ACQUISITA' AND LINKS THE 'FIDES INFUSA' IMMEDIATELY TO 'CARITAS'." [131]

THE YOUNG DOCTOR IN BIBLICAL THEOLOGY IS ALREADY ON THE RETREAT FROM THE GREAT SCHOLASTIC SYSTEMS OF THOUGHT. PERHAPS HE HAS BYPASSED MANY OF THE POINTS OF INGENUITY AND REFINEMENT WHICH THESE ARTFUL CONSTRUCTIONS INDEED

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130. REINHARD SCHWARZ: FIDES, SPES UND CARITAS BEIM JUNGEN LUTHER, ARBEITEN ZUR KIRCHENGESCHICHTE 34, DE GRUYTER, BERLIN, 1962, P. 42: "DIESE FIDES IST UNMITTELBAR MIT DER CARITAS VERBUNDEN."

131. IBID.: "LUTHER ENTFERNT SICH NICHT NUR VOM LOMBARDEN, SONDERN AUCH VON DEN VERTRETERN DER SPAETEREN SCHOLASTIK, WENN ER DIE FIDES ACQUISITA UND DIE FIDES INFUSA IN DER WEISE ALS 'DUAE FIDES' UNTERSCHEIDET, DASS ER DIE FIDES INFORMIS MIT DER FIDES ACQUISITA IN EINS SETZT UND DIE FIDES INFUSA UNMITTELBAR MIT DER CARITAS VERKOPPELT." FOR A FULL DISCUSSION OF LUTHER'S RELATION TO SCHOLASTICISM CF. B.A. GERRISH: GRACE AND REASON, CLARENDON PRESS, OXFORD, 1962; G. RUPP, OP. CIT., PP. 82-101; GERHARD MUELLER, OP. CIT., P. 43F; R. PRENTER, OP. CIT., P. 20F.

HAVE TO OFFER. PERHAPS HE HAS MISSED ALREADY HIS OPPORTUNITY OF EVER UNDERSTANDING FULLY THE MOST INGENIOUS OF THE SCHOLASTIC TEACHERS, ST. THOMAS.[132] YET HE IS ON THE WAY TO A CONFESSION WHICH IF JUDGED TO BE COARSER ALSO IS SIMPLER, AND WHICH FOR ITS SIMPLICITY GIVES THE MORE CLEARLY A WITNESS TO THE POWER OF CHRIST AS THE SOLE MEDIATOR BETWEEN GOD AND MAN. IT IS THIS CONFESSION WHICH BREAKS FORTH IN ONE OF LUTHER'S EARLIEST RECORDED SERMONS, WHICH IS NOW DATED BY SOME SCHOLARS IN THE YEAR 1510.[133] HERE LUTHER ENUMERATES THE GIFTS WHICH GOD HAS GIVEN TO MAN AS BEING "FIRST THE WHOLE WORLD, WHICH HE HAS CREATED FOR NO OTHER PURPOSE BUT THAT THROUGH IT HE MAY HELP US TO LIFE. ... SECONDLY HE HAS GIVEN OURSELVES TO US FOR OUR SALVATION."[134] THEN HE CONTINUES:

> "SINCE HOWEVER ALL THIS HAS NOT PROVOKED US TO COOPERATE WITH OUR GOD FOR OUR OWN SALVATION, HE HAS THIRDLY GIVEN HIS BELOVED AND ONLY-BEGOTTEN SON AND MADE HIM TO BE BORN FOR US. THIS, THEN, IS THE GREATEST GIFT IN WHICH HE HAS GIVEN US EVERYTHING AND HAS MADE EVERYTHING FOR US. ... WHATEVER WE MAY NAME AND DESIRE,- CHRIST IS IN CHARGE OF IT."[135]

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132. CF. THE RESPONSE GIVEN TO THIS CHARGE BY GERRISH, OP. CIT., P. 127: "BUT THE TRUTH RATHER IS THAT HE UNDERSTOOD THE IMPLICATIONS OF THOMAS'S DOCTRINE WELL ENOUGH TO DIVINE THAT JUST HERE IS DISCLOSED THE FUNDAMENTAL PRESUPPOSITION OF SCHOLASTIC SOTERIOLOGY, NAMELY, THAT 'VIRTUE' ... IS ABSOLUTELY NECESSARY FOR ACCEPTANCE WITH GOD: JUSTIFICATION IS THROUGH FAITH - YES, BUT FAITH IS A VIRTUE, AND ITS JUSTIFYING POWER IS IN THE LOVE WHICH 'INFORMS' IT. ... LUTHER'S 'TRUE AND LIVELY FAITH' IS KNOWN TO BE TRUE ONLY THROUGH THE GOOD WORKS WHICH IT PROMPTS. A GENUINE FAITH PROVES ITSELF IN WORKS OF LOVE - AND YET IT IS NOT FOR THIS REASON THAT IT JUSTIFIES."

133. R. SCHWARZ, OP. CIT., P. 5, NOTE 1

134. WA 4, 597, 17: "... PRIMO TOTUM MUNDUM, QUEM IPSE OMNINO AD HOC CREAVIT, UT PERIPSUM NOS ADIUVET AD VITAM ..." WA 4, 599, 10: "SECUNDO DEDIT PRO SALUTE NOSTRA NOS IPSOS NOBIS IPSIS."

135. WA 4, 599, 36FF: "TERTIO DEDIT SUUM DILECTUM ET UNIGENITUM FILIUM ET FECIT IPSUM NASCI PRO NOBIS, CUM ISTA OMNIA NON NOS PROVOVAVERINT AD COLLABORANDUM DEO NOSTRO PRO NOSTRA SALUTE. HOC ENIM EST MAXIMUM DONUM, IN QUO OMNIA NOBIS DEDIT ET PRO NOBIS FECIT. ... QUICQUID POSSUMUS NOMINARE ET DESIDERARE, HUIUS OFFITIUM HABET CHRISTUS ..."

This is no longer the teaching of scholasticism. Luther has already entered a new road of his own as is proven by the conclusion of this sermon:

> "What, then, is it that we have to work out together with God who is doing all this for us? The Lord answers: 'Everyone who believes in him.' Believing, then, is sufficient, this is our cooperation." 136

It is this new understanding of Christ's work which is to challenge the church as a hierarchical institution authorized to administer by her own powers the mediation between God and man.

THE DIVINE-HUMAN ENCOUNTER

God's Authority "For Us" and "Outside Us"

The Lord of the Church is Christ. All authority, therefore, belongs legitimately to Him and to the Father with whom He shares all that is His (John 17:4f, 10). According to Luther, this confession which might have been readily endorsed by his fellow teachers directs the church to do a rather strange service.

> "For in the church we must not merely see to it that our righteousness and wisdom, which are not worth anything, are neither upheld by our own sense of glory nor extolled by the good opinion of others, but rather, we must take pains that they are destroyed and plucked up from our own complacent inner feeling ..." 137

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136. WA 4, 601, 7: "Quid nunc igitur nobis cooperandum est Deo pro nobis tanta operanti? Respondet Dominus: 'Omnis qui credit in eum.' Credere igitur sufficit: hoc est nostrum cooperari."

137. LR 3 (WA 56,157)

THE CHURCH IS NOT A COMMUNITY OF PEOPLE DEDICATED TO THE CAUSE OF PROMOTING RIGHTEOUSNESS, WISDOM, AND GOODNESS AND OF PREVENTING THE SPREAD OF MORAL DECAY AND SINFULNESS; BUT ON THE CONTRARY, THE CHURCH IS A COMMUNITY GIVEN TO A MOST UNUSUAL PURPOSE:

> "... TO PULL DOWN, TO PLUCK UP, AND TO DESTROY ALL WISDOM AND RIGHTEOUSNESS OF THE FLESH (I.E., OF WHATEVER IMPORTANCE THEY MAY BE IN THE SIGHT OF MEN AND EVEN IN OUR OWN EYES), NO MATTER HOW HEARTILY AND SINCERELY THEY MAY BE PRACTICED, AND TO IMPLANT, ESTABLISH, AND MAKE LARGE SIN (HOWEVER UNCONSCIOUS WE MAY BE OF ITS EXISTENCE." 138

THIS CONCEPT, SINGULAR AS IT MAY BE, IS FOR LUTHER THE CRUCIAL POINT IN ANY ATTEMPT TO DEFINE ECCLESIASTICAL AUTHORITY. HERE IS FOR HIM THE NARROW PORTAL THROUGH WHICH WE MUST GO TO COME TO AN UNDERSTANDING OF FAITH AND OF THE LIFE OF THE CHURCH. HE SAYS: "ONE WHO WANTS TO BE RIGHTEOUS, TRUTHFUL, AND STRONG MUST BECOME ONE WHO IS SINFUL, MENDACIOUS, AND WEAK," 139 FOR THE SPRING OUT OF WHICH THE LIFE OF THE CHURCH FLOWS IS THE ABSOLUTE AUTHORITY OF GOD. 140 IT IS NOT ENOUGH TO SAY THAT GOD ALONE IS TRUE, RIGHTEOUS, AND POWERFUL BY HIMSELF; BUT GOD WANTS TO BE THE TRUE ONE, THE RIGHTEOUS ONE, AND THE POWERFUL ONE ALSO OUTSIDE HIMSELF, NAMELY IN US. 141 LUTHER REFUSES TO LET HIMSELF BE DRAWN INTO A DISCUSSION ON THE AUTHORITY WHICH GOD POSSESSES BY HIMSELF, "PER SE". IT IS THE AUTHORITY WHICH GOD SEEKS TO ESTABLISH IN US, HIS POWER WHICH HE WANTS TO BE IN US

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138. LR 3 - WA 56, 157, 3FF. IN HIS TRANSLATION, PAUCK SAYS "REALITY OF SIN". WE RENDER THE ORIGINAL "PECCATUM" SIMPLY WITH "SIN" IN ORDER TO MAINTAIN THE SHOCKING EFFECT WHICH IS CLEARLY INTENDED BY LUTHER.

139. LR 80 - WA 56, 230, 1F

140. LR 20 - WA 56, 173, 27FF

141. LR 79 - WA 56, 229, 15FF

AS COMING FROM HIM, THAT IS THE LIFE OF THE CHURCH.[142] AND IT IS PRECISELY THIS AUTHORITY WHICH POSES THE PROBLEM FOR US.

THIS AUTHORITY GOD DOES NOT POSSESS IN THE SOVEREIGN ALOOFNESS WITH WHICH THE PRESIDENT OF A MODERN CORPORATION CAN DELEGATE HIS POWER TO AN ARMY OF EXECUTIVES, SALESMEN, AND SECRETARIES IN DIMINISHING DEGREES DOWN TO THE JANITOR OR DOORMAN AT THE BOTTOM OF THE HIERARCHICAL STRUCTURE. BUT GOD HIMSELF IS TO BE THE EXECUTIVE AGENT OF HIS AUTHORITY IF IT IS TO REMAIN IN HIS HANDS. GOD HIMSELF EXECUTES HIS POWER AND PERSONALLY ESTABLISHES HIS AUTHORITY THROUGHOUT THE ENTIRE CHURCH IN THE ACT BY WHICH HE BECOMES THE PERSONAL LORD IN MAN AND RECEIVES MAN'S PERSONAL ACKNOWLEDGEMENT OF HIS LORDSHIP. THE QUESTION IS NOT WHETHER GOD <u>IS</u> GOD, THE ETERNAL LORD. BUT THE PROBLEM IS: HOW CAN GOD <u>BECOME</u> GOD, THAT IS, THE LORD IN US. HERE IS THE RUB. FOR GOD'S AUTHORITY MEANS THE END OF ALL HUMAN AUTHORITY. THIS IS THE CHASM OVER WHICH THERE LEADS NO BRIDGE. UNLIKE THE PRESIDENT OF A BUSINESS CORPORATION, GOD IS NOT SATISFIED WITH HAVING MERELY HIS DIRECTIVES CARRIED OUT. IN ORDER TO BECOME THE LORD IN US, HE WANTS AND MUST INSIST UPON OUR WILLING SURRENDER OF ALL OUR LIFE, OF ALL OUR OWN AMBITIONS, HOPES, AND DESIRES, - AND HOW CAN THIS BE?

MAN, INDEED, IS UTTERLY INCAPABLE OF THIS ACT OF SELF-LIQUIDATION WHICH GOD'S ABSOLUTE AUTHORITY WOULD REQUIRE. IN HIS OWN EYES, MAN ALWAYS CONSIDERS HIMSELF TO BE TRUTHFUL, RIGHTEOUS, WISE, AND CAPABLE OF IMPROVEMENT.[143] THAT GOD'S AUTHORITY BECOMES ESTABLISHED IN US AT ALL, IS POSSIBLE ONLY WHEN GOD HIMSELF PLUCKS UP, BREAKS DOWN, AND DESTROYS EVERYTHING THAT COMES FROM

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142. LR 16 - WA 56, 169, 29FF

143. LR 79 (WA 56,229)

ourselves and that belongs to us and when He builds up and plants "everything that is outside us and in Christ".[144] The two terms "extra nos" (outside us) and "in Christo" (in Christ) are used by Luther as fixed formulas which express one and the same concept. The establishment of God's authority is completely out of our reach and control. It takes place "outside us", in the person of Jesus Christ. Only because God does His work so totally "extra nos", is it possible that the authority which He establishes "in nobis" is indeed fully His and not ours. Therefore Luther says:

> "For God does not want to save us by our own righteousness, but by an extraneous righteousness which does not originate in ourselves but comes to us from beyond ourselves, which does not arise on our earth but comes from heaven." [145]

If it were not for the fact that God has gone out of Himself, out of His existence "per se", "seeking to prove Himself as true in us", we would not be able to enter into ourselves and to know who we are "extra nos", i.e., before God.[146]

Therefore God cannot become our Lord unless we yield to this revelation and acknowledge His words as true and just.[147] To put it more sharply yet: For the new life out of God, it is necessary that God's revelation is subjected to the judgment by man. Luther does not hesitate to say: "God is mutable to the highest degree. This is obvious, because one can

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144. LR 4 (WA 56,158)

145. LR 4 (WA 56,158)

146. LR 79 (WA 56,229)

147. LR 79 (WA 56,229)

JUSTIFY AND JUDGE HIM."[148] LUTHER SPEAKS OF A DOUBLE JUSTIFICATION: AN ACTIVE JUSTIFICATION IN WHICH GOD "ACTIVELY" IMPARTS HIS RIGHTEOUSNESS TO MAN AND A PASSIVE JUSTIFICATION IN WHICH HE IS "PASSIVELY" JUDGED BY MAN TO BE THE TRUE GOD.

> "BY THIS 'JUSTIFICATION OF GOD' WE ARE JUSTIFIED. AND THIS PASSIVE JUSTIFICATION OF GOD BY WHICH HE IS DECLARED RIGHTEOUS BY US IS OUR ACTIVE JUSTIFICATION BY GOD. FOR HE REPUTES THE FAITH AS RIGHTEOUS THAT REGARDS HIS WORDS AS RIGHTEOUS... AND CONVERSELY: THE PASSIVE CONDEMNATION OF GOD BY WHICH HE IS CONDEMNED BY THE UNBELIEVERS IS THEIR OWN DAMNATION. FOR HE REPUTES AS UNRIGHTEOUSNESS AND DAMNATION THAT UNBELIEF BY WHICH THEY JUDGE AND CONDEMN HIS WORDS."[149]

WE SUMMARIZE: TO LET GOD BE OUR GOD; TO RECEIVE A NEW LIFE FROM HIM; TO BE GIVEN HIS RIGHTEOUSNESS, POWER, WISDOM, AND TRUTHFULNESS; OR TO HAVE FAITH IN GOD; IS ALL ONE AND THE SAME THING FOR LUTHER.[150] IT MEANS TO JUDGE GOD AND TO ACKNOWLEDGE HIM AS BEING TRUE IN HIS WORDS AND TO ACCUSE, CONDEMN, AND DETEST ONESELF.

WE WILL HAVE TO PAUSE BRIEFLY AT THIS POINT TO DEAL WITH A QUESTION THAT MAY HAVE BEEN GROWING IN THE BACK OF OUR MIND: LUTHER'S SINCERITY NOTWITHSTANDING, DOES HE NOT ULTIMATELY DESTROY GOD'S AUTHORITY BY MAKING IT DEPENDENT UPON MAN'S JUDGMENT? IT IS IMPORTANT TO NOTE THAT LUTHER INSISTS: IT IS GOD'S REVELATION, HIS "OUTGOING OUT OF HIMSELF" WHICH IS SUBJECTED TO MAN'S CRITICISM AND APPROVAL.[151] LUTHER'S WHOLE ARGUMENT DEPENDS ON THE CAREFUL DISTINCTION BETWEEN "SAYING SIMPLY THAT GOD 'IS JUSTIFIED' AND SAYING 'GOD IS JUSTIFIED IN HIS WORDS' OR WORKS".[152]

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148. LR 84 (WA 56,234)

149. LR 77 (WA 56,226)

150. LR 68 (WA 56,216)

151. LR 69 (WA 56,217)

152. LR 64 (WA 56,212)

THROUGH THE "PASSIVE JUSTIFICATION" WHICH THE DIVINE REVELATION SUFFERS AT THE HAND OF MAN, GOD'S AUTHORITY IS NOT ERODED. JUST THE CONTRARY IS TRUE: IT IS PRECISELY THIS WHICH ESTABLISHES GOD'S AUTHORITY. GOD IS SO FREE AND SO POWERFUL THAT HE IS ABLE TO LET HIS WORD BE JUDGED BY MAN WITHOUT LOSING ANY OF HIS OWN FREEDOM AND POWER.

LUTHER COMPARES GOD TO A PHYSICIAN WHO WANTS TO CURE A PATIENT BY HIS SUPERIOR KNOWLEDGE. IF THE PATIENT YIELDS TO THE JUDGMENT OF THE DOCTOR, THE PHYSICIAN WILL BE JUSTIFIED IN HIS PROFESSIONAL DIAGNOSIS, FOR THE RESULTING CURE WILL PROVE HIM TO BE A GOOD DOCTOR. BUT EVEN IF THE PATIENT STUBBORNLY REFUSES THE MEDICAL ADVICE, THE DOCTOR IS STILL JUSTIFIED IN HIS WORDS, FOR THE WORSENING OF THE DISEASE WILL SHOW HOW ACCURATE HIS DIAGNOSIS HAD BEEN.[153] IN THE SAME MANNER, GOD'S PERSONAL AUTHORITY IS SO COMPLETE THAT THE TRUTH OF HIS WORD IS JUSTIFIED BOTH BY THE FAITH WHICH DECLARES HIM TO BE RIGHTEOUS AND BY THE UNBELIEF WHICH CALLS HIM A LIAR.[154]

MAN'S CONFORMITY TO GOD'S AUTHORITY

FOR LUTHER THE CHURCH IS ENGAGED IN A HARSH CONTROVERSY IN WHICH GOD SEEKS TO COME TO HIS OWN IN MAN. SINCE GOD HAS GONE OUT OF HIMSELF, MAN IS CONFRONTED WITH WHAT GOD HAS TO SAY ABOUT HIM. FAITH MEANS TO ACCEPT WILLINGLY THE JUDGMENT OF MY LIFE AND PERSON WHICH HAS BEEN MADE "EXTRA ME" BY GOD IN CHRIST. SINCE GOD HAS SPOKEN, MAN IS CALLED INTO DECISION. BUT IT IS NO LONGER IMPORTANT FOR MAN TO HAVE HIS OWN WORDS HEARD. THE DECISION TO WHICH

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153. LR 69 (WA 56,217)

154. "HE TRIUMPHS AND MAINTAINS HIS VICTORY, BECAUSE HOWEVER MUCH THEY RESIST IT, THIS FAITH OF GOD, THIS 'JUSTIFICATION OF GOD IN HIS WORDS' THAT IS HERE SPOKEN OF ... WILL PERSEVERE." LR 76 (WA 56,225F)

HE IS CHALLENGED NOW IS OVER THE QUESTION WHETHER HE AGREES WITH THE WAY IN WHICH GOD HAS SIZED HIM UP IN CHRIST OR NOT. LUTHER CALLS THIS ONGOING CONTROVERSY "A CHANGE OF MAN INTO GOD'S WORD":

> "FOR HE JUSTIFIES (AND TRIUMPHS) IN HIS WORD WHEN HE MAKES US SUCH AS HIS WORD IS, NAMELY, RIGHTEOUS, TRUE, WISE, ETC. AND THUS HE CHANGES US INTO HIS WORD, BUT NOT HIS WORD INTO US. AND HE MAKES US SUCH AS WE BELIEVE HIS WORD TO BE, NAMELY, RIGHTEOUS AND TRUE." 155

THEREFORE, FAITH IS FOR LUTHER NOT A CONFORMITY BETWEEN THE BELIEVER AND GOD, BUT IT IS THE "CONFORMITY BETWEEN THE WORD AND THE BELIEVER." BECAUSE IT IS A RESULT OF GOD'S OUTGOING, FAITH IS NO LONGER THE ACCEPTANCE OF CERTAIN RELIGIOUS TRUTHS, BUT IT TOO HAS BECOME AN ACTIVE LIVING THING. IT IS IN A CONSTANT STATE OF BECOMING AS MAN ENTERS INTO HIMSELF AND IS CHANGED INTO GOD'S WORD, I.E. BECOMES IN HIS OWN EYES THAT WHICH HE IS IN GOD'S EYES, A SINNER.

> "FOR AS GOD, WHO ALONE IS TRUE AND RIGHTEOUS AND POWERFUL IN HIMSELF, WANTS TO BE SUCH ALSO OUTSIDE HIMSELF, NAMELY, IN US, ... SO HE WANTS ALSO THAT MAN, WHO OUTSIDE HIMSELF (I.E. BEFORE GOD) IS WHOLLY AND WITHOUT EXCEPTION UNRIGHTEOUS AND WEAK, BECOME SO ALSO INSIDE HIMSELF, I.E., THAT HE CONFESS AND ACKNOWLEDGE HIMSELF TO BE AS HE ACTUALLY IS." 156

WE HAVE TO ASK OURSELVES AT THIS POINT: IS LUTHER'S CONCEPT NOT POSSIBLY A MODIFIED VERSION OF MEDIEVAL MYSTICISM? LUTHER HIMSELF ADMITS HIS INDEBTEDNESS TO TAULER WHEN REFERRING HIS STUDENTS TO TAULER'S SERMONS FOR A DEEPER UNDERSTANDING OF THE PATIENCE AND ENDURANCE WITH WHICH GOD SEEKS MAN IN HIS "OUTGOING". 157 THE TERMS "EXTRA SE" AND "INTRA SE", "EXIRE"

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155. LR 77 (WA56,227)

156. LR 79 (WA 56,229)

157. LR 243 (WA 56,378)

AND "INTROIRE" MAY ALSO BE BORROWED FROM TAULER'S VOCABULARY.[158] BUT THE EVENT WHICH LUTHER DESCRIBES IS ANYTHING BUT A MYSTICAL EXPERIENCE. AS MAN IS DRIVEN INSIDE HIMSELF UNDER THE PRESSURE OF THE EXTERNAL WORD, HE FINDS IN HIMSELF NOT A SPIRIT THAT YEARNS AND LONGS FOR GOD'S REVELATION, BUT A SPIRIT THAT IS RESISTING AND REBELLIOUS. NO MATTER HOW DEEP HE MAY PROBE, HE FINDS IN HIMSELF REMNANTS OF THE FLESH AND RESISTANCE TO THE GOOD.[159] MAN'S GOING INSIDE HIMSELF IS AN EVENT IN WHICH HIS WHOLE PERSON IS UPROOTED, BROKEN, AND CHANGED INTO THE "EXTERNAL" WORD OF GOD. IT IS MAN'S SPIRIT, HIS INNERMOST SELF, WHICH OFFERS THE GREATEST RESISTANCE TO THIS CHANGE. LUTHER, THEREFORE, HAS TO ASK FOR A PRICE THAT MYSTICISM CANNOT AFFORD TO PAY: FAITH AS THE "CONFORMITY BETWEEN THE WORD AND THE BELIEVER" IS NOT A MYSTICAL UNION BETWEEN GOD'S SPIRIT AND MAN'S SPIRIT, BUT IT IS A UNION BETWEEN GOD'S EXTERNAL WORD AND THE WORD - WHICH THE HOLY SPIRIT SPEAKS INSIDE OF MAN. FAITH WHICH ACKNOWLEDGES GOD'S JUDGMENT AS JUST AND TRUE IS NOT THE ACHIEVEMENT OF OURSELVES, BUT IT IS THE ACHIEVEMENT OF THE SPIRIT OF GOD WORKING IN US. IN THE HOLY SPIRIT GOD GIVES HIMSELF TO US, AND IN THE FINAL ANALYSIS, GOD JUSTIFIES US AND RECOGNIZES US AS RIGHTEOUS - BECAUSE OF THIS GIFT OF HIMSELF, "PROPTER DONUM IPSIUS EIUS."[160] THE RECOGNITION OF GOD'S ABSOLUTE AUTHORITY AS THE SOLE SOURCE OF THE CHURCH'S LIFE HAS LED LUTHER INTO ACCEPTING THE DOCTRINE OF PREDESTINATION.

LUTHER, THEREFORE, HAS TO INSIST UPON THE BONDAGE OF THE WILL. WHILE MAN IS FREE TO MAKE DECISIONS IN AREAS WHICH ARE IN HIS POWER AND INFERIOR

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158. CF. WA 56, 229, FOOTNOTE TO LINES 16FF

159. LR 112 (WA 56,258)

160. LR 78 (WA 56,228)

TO HIM,[161] THE ONE AREA OUT OF WHICH ALONE SPRINGS LIFE IS NOT UNDER MAN'S CONTROL:[162] HIS OWN PERSONAL FREEDOM AND SALVATION. WHEN FACED WITH HIS OWN CORRUPTION, MAN IS A HELPLESS VICTIM OF HIS OWN LIFE, UNABLE TO JUMP OVER HIS OWN SHADOW. IT IS GRACE WHICH SEES GOD ALONE, SEEKS HIM ALONE, AND MOVES TOWARD HIM IN ALL THINGS, BY-PASSING EVERYTHING ELSE AS IF IT DID NOT EXIST AND TURNING TO GOD WITH A SINGLE-MINDED DEVOTION.[163]

HOWEVER, THOSE WHO LOOK FOR A GLOOMY PICTURE OF MAN'S UTTER WRETCHEDNESS WILL NOT FIND MUCH SUPPORT IN LUTHER. TOTAL DEPRAVITY IS FOR LUTHER NOT MAN'S EXISTENCE AS SUCH, BUT MAN'S EXISTENCE UNDER THE WORD OF GOD. JUST AS LUTHER REFUSED TO ENTER INTO A DISCUSSION OF THE POWER AND LIFE WHICH GOD POSSESSES BY HIMSELF, IN THE SAME MANNER LUTHER REFUSES TO LET HIMSELF BE DRAWN INTO A DISCUSSION OF MAN'S LIFE "PER SE". MAN'S EXISTENCE CANNOT BE RECOGNIZED BUT BY FAITH IN GOD'S WORD. THEN THE OUTCOME IS NO LONGER A PICTURE OF GLOOM, BUT A MESSAGE OF JOY AND LIBERATION, BECAUSE MAN HEARS THAT GOD OUT OF GRACE SPEAKS TO HIM AND BRINGS HIM TO A TRUE UNDERSTANDING OF HIMSELF. "TOTAL DEPRAVITY OF MAN" CEASES THEN TO BE A CLEVER GIMMICK BY WHICH THE HEARER CAN BE DEMORALIZED, BRAINWASHED, AND CONDITIONED UNTIL HE IS READY TO DO BLINDLY WHAT HE IS TOLD; BUT TOTAL DEPRAVITY CAN BE PROCLAIMED AND ACKNOWLEDGED ONLY AS PART OF THAT FAITH WHICH ANSWERS TO GOD IN A JOYFUL AND HUMBLE CONFESSION:

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161. LR 252 (WA 56,385)

162. LR 252 (WA 56,385)

163. LR 219 (WA 56,356)

> "Oh, yes, I deserve this; it serves me right; I readily admit that all this is just and right because I am, indeed, a sinner; certainly I have sinned against thee and what thou doest and sayest is justified, O God, truthful and righteous; thou art not mistaken with me and thou art not wrong, for I am indeed the sinner thou hast proved me to be by all this!" 164

But when man looks at himself in the light of God's Word, he comes to a shuddering awareness of the real power with which sin rules over him. The traditional compartmentalization of man's life into "good" and "evil", into "selfish" and "spiritual", into "body" and "soul", is shattered to meaningless pieces of driftwood on the solid granite of concupiscence. In the exposition of Romans 8:7, Luther lists the various goods of man, beginning with the "external" and "physical" goods up to the "gifts of grace, the gifts of the 'Holy Spirit'". 165 But then he topples this beautiful hierarchical arrangement with the blunt statement: "Man, I say, turns all of them to himself, seeks his own good in them, and horribly makes an idol out of them. This he puts in place of the true God." 166 Man's depravity is much more than just a disease or deficiency which clings merely to the existence of "the flesh". It is a strong, self-willed force which tries to absorb everything and everyone else, even God, and enjoys and uses the other solely for its own interests, and thus in defiance of God's authority. 167 Since Luther defines the nature of sin as a self-willed resistance against God

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164. LR 82 (WA 56,232)

165. Pauck (LR 225) translates "donis spiritus sancti" (WA 56, 362, 9) with "gifts of the spirit". Is the omission of the "Holy" just oversight or is it an attempt to soften the shock of Luther's bluntness? (Cf. supra, p. 73, footnote 138)

166. LR 226 (WA 56,362)

167. LR 225 (WA 56,361)

(AND NOT AS THE ABSENCE OF A HIGHEST GOOD), HE SEES IN SIN A FORCE WHICH PERMEATES ALL OF MAN'S LIFE, THE SO-CALLED "SPIRITUAL" CONCERNS INCLUDED.[168]

WHILE LUTHER PROVIDES US WITH A DETAILED ACCOUNT OF THIS "PRUDENCE OF THE FLESH", HE DESCRIBES THE OPPOSITE, "THE PRUDENCE OF THE SPIRIT", IN SURPRISINGLY NEGATIVE TERMS.

> "THE 'PRUDENCE OF THE SPIRIT' CHOOSES THE COMMON GOOD AND SEEKS TO AVOID WHAT CAN HARM THE COMMON LIFE. IT REJECTS SELF-INTEREST AND CHOOSES WHAT IS DISADVANTAGEOUS TO THE SELF. FOR IT DIRECTS THE LOVE THAT 'SEEKS NOT ITS OWN' (I COR. 13:5) ..." [169]

WHAT IS THE REASON FOR LUTHER'S REFUSAL TO DESCRIBE "THE PRUDENCE OF THE SPIRIT" IN MORE POSITIVE TERMS? IS THERE NO REAL FORCE TO COUNTERACT THE DESTRUCTIVE WORK OF SIN? THERE IS. BUT THIS COUNTER-FORCE IS NOT CONTROLLED AND RELEASED BY MAN AND THEREFORE IS NOT SUFFICIENTLY DEFINED BY MAN'S SPIRIT. LUTHER HIMSELF IS FULLY AWARE OF THIS APPARENT LACUNA IN HIS SYSTEM AND EXPLAINS:

> "HOW THIS [THE PRUDENCE OF THE SPIRIT] CAN BE, CAN EASILY BE STATED IN WORDS, BUT ONLY THE HOLY SPIRIT CAN ACTUALLY BRING IT ABOUT AND ONLY ONE WHO EXPERIENCED IT HAS ANY KNOWLEDGE OF IT. IT IS THE SPIRIT THAT CAUSES SO MANY THINGS SUDDENLY TO DISAPPEAR AND TO VANISH INTO NOTHINGNESS AND TO BE REGARDED AS WORTHLESS BY THE SOUL." [170]

WITHOUT THE "LOVE OF GOD" WHICH IS SHED INTO THE HEARTS BY THE HOLY SPIRIT, MAN CANNOT REALLY LOVE GOD AS HE SHOULD, FOR HE HAS TO LOVE WHAT HE DOES NOT SEE, TO SEEK WHAT HE DOES NOT KNOW, TO DESIRE WHAT HE CANNOT EXPERIENCE, TO TRUST WHAT HE CANNOT TEST. BUT THE SCHOOL OF THE HOLY SPIRIT HAS A

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168. AT THIS POINT IT IS MOST VISIBLE HOW FAR LUTHER'S THOUGHT HAS ALREADY GONE BEYOND AUGUSTINE'S DUALISM OF "CARO" AND "SPIRITUS" IN WHICH SIN IS DEFINED AS A DEFICIENCY OF A "SUMMUM BONUM", ALTHOUGH OTHERWISE LUTHER RELIES STILL STRONGLY ON AUGUSTINE'S VOCABULARY AND TERMS IN THESE EARLY YEARS. - CF. PRENTER, SPIRITUS CREATOR, OP. CIT., PP. 3FF

169. LR 226 (WA 56,362)

170. LR 226 (WA 56,363)

strange curriculum: The Holy Spirit throws man into despair and tribulation which leaves man bare and naked and causes him to forsake all creatures and himself and seek his help outside himself and everything else, namely in God alone.[171] One can see Luther's own inner conflicts glimmer through in the passages which describe the work of the Holy Spirit. But as Prenter points out,[172] the strong biographical interest that Luther research has taken in such passages tends to blur their theological significance in Luther's thought. Conflict and inner confusion are for Luther more than just the pains of growing up. They are constitutive elements in his theology. Without them, God is no longer a "mighty fortress". Only out of the turmoil which man faces within himself, he can sing and pray: "But thou, O Lord, art a shield for me, and my glory".[173] (Ps. 3:3)

Man, "Sinner and Justified at the Same Time"

What then is real for man - the destructive work of sin or the saving work of the Holy Spirit? Luther says: Both at the same time. "He [man] is at the same time both a sinner and righteous, a sinner in fact but righteous by virtue of the reckoning and the certain promise of God."[174]

Man is both spiritual and carnal, righteous and sinful, good and evil. However the line which separates these categories is not drawn by man's life as such, but by the evaluation of man's life. Man is sinner or justified always as the whole person. The difference depends on how he is judged,

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171. LR 160f (WA 56,305f)

172. Prenter, Spiritus Creator, op. cit., p. 13f

173. LR 161 (WA 56,306)

174. LR 127 (WA 56,272)

NOT ON HOW HE IS.[175] THROUGH FAITH, MAN MAKES GOD'S JUDGMENT HIS OWN AND THEREFORE BECOMES CARNAL, SINFUL, AND EVIL IN HIS OWN JUDGMENT. YET AT THE SAME TIME GOD, THROUGH GRACE, CONSIDERS AND DECLARES HIM RIGHTEOUS IN HIS JUDGMENT BECAUSE OF THE FAITH WHICH CONFORMS TO HIS WORD. GOD DOES NOT CEASE TO JUDGE, CONDEMN, AND DETEST SIN, BUT OUT OF GRACE HE TAKES THE PERSON OF MAN OUT OF THE JUST JUDGMENT OF SIN AND NO LONGER REGARDS HIM AS A SINNER.[176]

THE TWO RADICAL OPPOSITES, SIN AND RIGHTEOUSNESS, ARE NO LONGER SET APART AS THE BEGINNING AND THE END OF A PROCESS OF PERFECTION, AS IS DONE IN MEDIEVAL SCHOLASTICISM.[177] IN HARSH PARADOX, THEY ARE PULLED SIDE BY SIDE. THIS PARADOX OF "SIMUL IUSTUS ET PECCATOR" SAVES LUTHER FROM SPLITTING THE TOTALITY OF MAN INTO DIFFERENT LEVELS OF EXISTENCE. IN THE DIVINE-HUMAN ENCOUNTER, AS LUTHER UNDERSTANDS IT, IT IS ALWAYS THE WHOLE GOD WHO MEETS THE WHOLE MAN. GOD'S GRACE, WHICH IS RECEIVED BY FAITH IN HIS WORD, IS GRANTED NOT ONLY TO THE SAINTLY AND PERFECTED PARTS OF MAN. GOD'S GRACE IS GIVEN TO THE SINNER, AND THIS IS PRECISELY WHAT MAKES IT GRACE. THIS IS IN LUTHER'S THOUGHT THE ONLY WAY IN WHICH GOD CAN COME TO HIS OWN IN MAN AND ESTABLISH HIS FULL AUTHORITY AS LORD OVER MAN.

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175. LR 208 (WA 56,347)

176. LR 194 (WA 56,334)

177. Cf. Prenter, Spiritus Creator, op. cit., p. 20f: "The scholastic doctrine of grace ... is not Pelagian but very Augustinian. ... everything, really everything, is done by grace. ... But the real presence of God is not found in the grace which is gained by the satisfactory suffering of Christ and mediated by the sacraments. God remains the distant goal. Grace is the gift of God, the supernatural power granted through the sacrament, which lifts man up to the supernatural level where he can strive for the highest good and, thus striving by the constant aid of grace, reach upward on the meritorious ladder toward the distant goal..." Cf. also supra, p. 70, note 131
"Augustinian" must here be understood in the sense of the semi-Augustinian doctrine developed by the Council of Orange of 529.

CHRIST, THE SOLE MEDIATOR

The Son of God, Victor and Victim at the Same Time

Luther's concept of authority, as developed in the first part of this chapter, seems to present to us a strictly theocentric system. It is a construction so coherent and consistent in itself that one may feel tempted to stop here and let it go with that. It can easily be lifted out of its context and linked together with any word of God, the first commandment for example, and still it will make sense.[178] The only question in such a case is: Does it make the sense Luther wanted it to have?

Luther himself is quite conscious of this danger. He concedes that a person may have a certain awareness of his own unrighteousness and may feel a desire to be cleansed and justified by God through prayer, suffering, and confession of sin. But this is not enough. The doctrine of justification by faith, with which Luther describes the encounter between God and man, formulates the question only that needs to be asked in the church. It does not provide the answer. This is given by Jesus Christ, the Son of God become flesh. "Righteousness is given only through faith in Jesus Christ. So it has been determined, so it pleases God, and so it will be."[179] The two terms "Word of God" and "Jesus Christ" are inseparably connected for Luther. God's Word does not come to us as empty form which is to be filled

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178. This can be seen in Holl's interpretation of Luther, according to which Luther's final anchor in conflict is "something which is surprisingly simple. It is the first commandment ... 'I am the Lord thy God!' " Holl, op. cit., p. 58

179. LR 109 (WA 56,255)

WITH LIFE BY MAN. EVEN BEFORE IT REACHES US, IT IS FULL OF LIFE. ITS CONTENTS IS THE CHRIST, THE SON OF GOD WHO HAS BECOME FLESH.

> "THE SUBSTANCE, OR OBJECT, OR (AS SOME SAY) THE SUBJECT OF THE GOSPEL IS JESUS CHRIST, THE SON OF GOD, BORN OF THE SEED OF DAVID ACCORDING TO THE FLESH AND NOW ESTABLISHED IN POWER AS THE KING AND LORD OF ALL AND THIS ACCORDING TO THE HOLY SPIRIT WHO RAISED HIM FROM THE DEAD." 180

JESUS CHRIST IS THE ONE AND IMPORTANT SUBJECT MATTER OF GOD'S WORD TO MAN, AND NOT ONE OF MANY POSSIBLE SUBJECT MATTERS. GOD'S AUTHORITY CANNOT BE ESTABLISHED OUTSIDE OF CHRIST, "FOR CHRIST ALSO IS GOD". 181 JESUS CHRIST IS, THEREFORE, THE ONE SUBJECT MATTER WHICH DETERMINES WHAT IS GOD'S LIVING WORD TO MAN. THE CONCLUSION WHICH RESULTS FROM HERE CAN BE EXPRESSED ONLY IN A PARADOX: THE ONE WORD OF GOD WHICH CONCERNS MAN MOST INTIMATELY IS NOT ON THE SUBJECT "MAN" BUT ON THE SUBJECT "CHRIST". THE GOOD NEWS OF GRACE AND LIBERATION IS NOT DIRECTLY "ABOUT US" OR "CONCERNING US", BUT IT IS GOD'S WORD "ABOUT AND CONCERNING" HIS SON WHO BECAME FLESH, SUFFERED, DIED, ROSE, AND WAS GLORIFIED. 182 ONLY WHERE GOD'S WORD DEALS WITH THE CHRIST, THERE IT IS TRULY THE GOSPEL OF LIFE FOR MAN. THE CHRIST IS, THEREFORE, NOT SIMPLY A DIVINE MESSENGER BOY WHO DELIVERS TO US GOD'S MESSAGE AND THEN "CAN DISAPPEAR OUT OF OUR VIEW" 183 AFTER THE JOB IS DONE. BUT IT IS THE OTHER WAY AROUND: GOD'S WORD ALWAYS POINTS AND DIRECTS US TO THE SON OF GOD "WHO EMPTIED HIMSELF AND BECAME WEAK". 184

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180. LR 12F (WA 56,167)

181. "QUIA CHRISTUS QUOQUE DEUS EST." - WA 56, 255, 26

182. LR 15 - WA 56, 169, 14

183. SO HOLL, OP. CIT., P. 57: "BUT IT ALSO HAPPENED THAT EVEN CHRIST DISAPPEARED OUT OF HIS [LUTHER'S] VIEW." ("ABER ES KAM AUCH VOR, DASS SELBST CHRISTUS SEINEM [LUTHERS] BLICK ENTSCHWAND.")

184. LR 13 (WA 56,167)

HERE IS ONE OF THOSE CRITICAL POINTS AT WHICH THE TRANSLATOR MUST EXERCISE PAINSTAKING CARE IN THE USE OF HIS PREPOSITIONS; FOR THE WRONG USE OF ONE OF "THESE LITTLE WORDS" MAY LEAD TO THEOLOGICAL CONSEQUENCES OF GREAT SIGNIFICANCE. PAUCK TRANSLATES THE LATIN TEXT "EVANGELIUM SIT VERBUM DE FILIO DEI ..."[185] WITH "THE GOSPEL IS THE WORD OF THE SON OF GOD".[186] IT IS TRUE THE LATIN TEXT PERMITS SUCH A TRANSLATION. BUT IN THE SPECIFIC CONTEXT OF THIS PASSAGE THE PREPOSITION "OF" EXPRESSES PRECISELY THE OPPOSITE OF WHAT LUTHER HAS IN MIND HERE. FOR HIM THE GOSPEL IS NOT "THE WORD OF CHRIST" WHICH CAN BE CULLED FROM SCRIPTURE AS "A MESSAGE" WITH AN INHERENT DYNAMIC FORCE OF ITS OWN. IT IS NOT THE WORD BY WHICH GOD IS REVEALED IN HIS BEING OR NATURE PER SE, BUT THAT WHICH GOD REVEALS "PRO NOBIS" "EXTRA NOS". THIS HAS BEEN THE WHOLE POINT WHICH HE HAS NOT TIRED OF HAMMERING HOME IN HIS DISCUSSION OF THE DIVINE-HUMAN ENCOUNTER, - SOMETIMES TO THE POINT OF EXHAUSTION FOR HIS HEARERS. THE "WORD OF GOD" BECOMES THE "GOSPEL" PRECISELY THROUGH THE FACT THAT IT POINTS BEYOND ITSELF TO THE "SON OF GOD" AS THE SOLE MEDIATOR. AS LUTHER HIMSELF EMPHATICALLY DECLARES, " 'THE GOSPEL' IS NOT ONLY WHAT MATTHEW, MARK, LUKE, AND JOHN HAVE WRITTEN ... FOR IT STATES SPECIFICALLY THAT THE GOSPEL IS THE WORD CONCERNING THE SON OF GOD WHO BECAME FLESH, SUFFERED, AND WAS GLORIFIED".[187] SO AS TO REMOVE ANY POSSIBLE DOUBT, HE CONTINUES: "BUT HE SAYS 'MY' GOSPEL BECAUSE HE HIMSELF PREACHED THE WORD OF GOD 'CONCERNING HIS SON'."[188] THIS DEFINITION OF

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185. WA 56, 169, 12FF

186. LR, P. 15

187. WA 56, 169, 12FF: " 'EVANGELIUM' NON EST SOLUM, QUOD MATTHEUS, MARCUS, LUCAS, IOHANNES SCRIPSERUNT ... QUIA EXPRESSE DICIT, QUOD EVANGELIUM SIT VERBUM DE FILIO DEI INCARNATO ET PASSO ET GLORIFICATO."

188. LR 15 (WA 56,169)

THE GOSPEL AS THE WORD "CONCERNING" THE SON OF GOD GIVES LUTHER'S CONCEPT OF THE GOSPEL A CLEAR FOCUS IN THE PERSON AND WORK OF JESUS CHRIST. AT THE SAME TIME IT ALSO WIDENS THE RANGE OF THIS CONCEPT AND MAKES IT POSSIBLE FOR LUTHER TO INCLUDE IN THE GOSPEL ALSO THE FORMER TESTIMONIES TO GOD'S ACTS IN HISTORY, NAMELY THE VERBAL AND WRITTEN PROMISES OF THE PROPHETS, WHICH POINT TO THE PERSON AND WORK OF JESUS CHRIST. ONE SHOULD NOT THINK THAT "THE GOSPEL CAME INTO THE WORLD THROUGH A MAN", HE SAYS.

> "FIRST, IT WAS PROMISED LONG BEFORE IT CAME; IT WAS NO NEW INVENTION. FURTHERMORE, IT CAME INTO THE WORLD NOT BY ONE BUT BY MANY, BY THE PROPHETS OF GOD AND NOT ONLY IN FORM OF THE SPOKEN WORD BUT ALSO IN THE FORM OF HOLY SCRIPTURES." 189

IN SHORT, THEN, THE GOSPEL

> "... IS CALLED THE WORD OF THE SPIRIT, THE WORD OF GRACE AND THE CLARIFICATION OF THE SAYINGS OF THE OLD LAW ... BECAUSE IT TEACHES WHERE AND WHEREFROM WE CAN OBTAIN GRACE AND LOVE, NAMELY, FROM JESUS CHRIST WHOM THE LAW PROMISED AND WHOM THE GOSPEL SETS FORTH." 190

FOR LUTHER CHRIST'S PERSON AND WORK FORM AN INSEPARABLE UNITY. THE INCARNATION IS MEANINGFUL ONLY WHEN WE SEE THAT THE SON OF GOD ASSUMED NOT ONLY OUR HUMANITY, BUT ALSO OUR SIN ON THE CROSS. THE CROSS IS MEANINGFUL ONLY WHEN WE SEE THAT THE MAN WHO DIES THERE IS THE SON OF GOD. THE ASCENSION AND GLORIFICATION ARE MEANINGFUL ONLY WHEN WE SEE THAT IT IS THE SON OF DAVID, BORN OF MAN, WHO IS INSTALLED AS LORD OF ALL. CHRIST'S PERSON AND CHRIST'S WORK THUS INTERPRET EACH OTHER MUTUALLY. ONLY WHERE THEY ARE SEEN TOGETHER AS ONE TOTAL EVENT - THE "CHRIST-EVENT",- THERE CHRIST IS INDEED LORD OF MAN. "FOR CHRIST IS NOT DIVIDED; THEREFORE, ONE EITHER DENIES HIM IN HIS TOTALITY WHEN ONE DENIES HIM WITH RESPECT TO ONE POINT OR ONE AFFIRMS HIM IN HIS TOTALITY." 191

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189. LR 297 (WA 56,422)

190. LR 198 (WA 56,338)

191. LR 102 (WA 56,249)

JUST AS IT IS IMPOSSIBLE FOR LUTHER TO ANSWER THE QUESTION WHICH PARTICULAR PART OF CHRIST'S MEDIATING WORK IS MOST IMPORTANT, IN THE SAME MANNER IT IS IMPOSSIBLE TO GIVE A PRECISE AND YET SUFFICIENT ANSWER TO THE QUESTION: WHAT THEN HAS CHRIST REALLY DONE FOR ME? LUTHER USES MANY DIFFERENT TERMS AND PICTURES TO DESCRIBE CHRIST'S ATONEMENT. IT WILL BECOME CLEAR TO US THAT NOT ONE OF THEM ALONE CAN EXHAUST THE SUBJECT WHEN WE REMEMBER THAT FOR LUTHER NEITHER GOD'S EXISTENCE NOR MAN'S EXISTENCE BY ITSELF IS A REALITY WE CAN MEANINGFULLY THINK ABOUT. REALITY IS THAT WHICH GOES ON BETWEEN GOD AND MAN. GOD IS "REAL" FOR MAN ONLY INSOFAR AS HE DISCLOSES HIMSELF TO HIM, AND MAN IS "REAL" ONLY INSOFAR AS HE EXISTS BEFORE GOD.

CHRIST'S MEDIATION TAKES PLACE WITHIN THE SPHERE OF THIS RELATIONSHIP BETWEEN GOD AND MAN. IT THEREFORE WOULD BE WRONG TO SAY THAT IT CHANGES GOD, AS HE IS BY HIMSELF, FROM AN ANGRY WRATHFUL JUDGE TO A LOVING FATHER, THROUGH THE OFFERING OF A PROPITIATORY SACRIFICE. IN THE SAME MANNER IT WOULD BE WRONG TO SAY THAT THE ATONEMENT CHANGES MAN, AS HE IS BY HIMSELF, FROM A REBELLIOUS DISOBEDIENT SERVANT TO A TRUSTING CONFIDENT CHILD, BY GIVING TO MAN AN EXAMPLE OF TRUE PERFECTION. THE CHANGE WHICH CHRIST'S MEDIATING WORK BRINGS ABOUT MUST WITH NECESSITY AFFECT BOTH GOD AND MAN AT THE SAME TIME, OR IT DOES NOT BRING ANY "REAL" CHANGE AT ALL. CHRIST RECONSTITUTES AND RECREATES THE TOTAL RELATIONSHIP BETWEEN GOD AND MAN. IN THE CONFLICT BETWEEN DIVINE JUSTICE AND HUMAN SIN, LUTHER SAYS, CHRIST IS BOTH VICTIM AND VICTOR AT THE SAME TIME.

> "SO THE ONE PERSON OF CHRIST IS AT THE SAME TIME BOTH DEAD AND ALIVE, BOTH SUFFERING AND BLESSED, BOTH ACTIVE AND INACTIVE, ETC. BECAUSE OF THE COMMUNIO IDIOMATUM [THE INTERPENETRATION OF HIS DIVINE AND HUMAN NATURE] ..." 192

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192. LR 205 (WA 56,343)

In Christ, God fully discloses the real abomination of human sin and brings it under the most severe judgment "by putting his own son into death for our sins".[193] At the same time, the forgiveness of sins in Christ reveals God as the one who alone is righteous and who alone has the power to justify and to forgive.[194]

Being victor and victim at the same time, Christ not only changes - but more than that, actually turns upside down the relationship between God and man. He reverses the roles and functions which each of them naturally has. God makes sin His own and makes righteousness to be man's.

> "And if he made my sin his own, then I have it no longer, and I am free. And if he made his righteousness mine, then I am righteous in the same righteousness as he. But my sin cannot swallow him up but it is swallowed up in the infinite abyss of his righteousness." [195]

Man himself, through faith in Christ, has become his own accuser, and God has become the defender of man against the condemnation of his own heart.

> "Wherefrom, then, shall we take the thoughts that excuse us? Only from Christ and in Christ. For when the heart reproaches a Christian and accuses him by testifying against him that he has done evil, he presently turns away from it and turns to Christ and says: He made satisfaction, he is righteous, he is my defense. ... God is our defender, the heart our accuser! Is this the proportion? Yes, yes, indeed, so it is." [196]

The Glorification of the Son

In Luther's understanding, the reconciliation between God and man is carried out exclusively by Christ without the slightest contribution from

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193. WA 3, 171, 5: "... mittens filium in mortem pro peccatis nostris ..."

194. LR 116 (WA 56,262)

195. LR 54 (WA 56,204)

196. LR 54 (WA 56,204)

man's side. It is done totally "extra nos". But it is also done totally "pro nobis" (for us). Christ's atonement has no other beneficiary but man. In the lecture on the Psalms (1512-1513), Luther says:

> "To be sure, His coming in the flesh is ordained and happens because of his spiritual coming: otherwise it would not have had any use. Therefore, even those words 'mercy and truth' cannot be said of Christ except because of the second coming: the spiritual coming, therefore, is what principally is intended." 197

Luther has to link Christ's lordship inseparably together with the work of the Holy Spirit. Christ's life, suffering, and death may very well appear merely as another human tragedy and are not easily discernible as the atoning work of God's Son. Only through the gift of a special understanding, the Son of David becomes known to us as the Son of God, or, as Luther puts it, "Christ is knowable only by revelation". 198 This revelation is the proper work of the Holy Spirit. In Christ, God meets man always as the "hidden God", as that God whose divinity is hidden and concealed in the flesh. But this "hidden God" becomes the "revealed God" when the Holy Spirit manifests, declares, and establishes this Jesus of Nazareth as the Christ. 199

From this dependence of Christ upon the Holy Spirit Luther draws a conclusion of far-reaching importance for the concept of the church: The power with which Christ reigns in the church is not the power which He eternally possesses as the Son of God, but it is the power which He receives

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197. WA 4, 19, 33ff: "Immo adventus in carnem ordinatur et fit propter istum spiritualem: alioquin nihil profuisset. Unde et ista verba 'Misericordia et veritas' non possunt de Christo dici nisi propter adventum secundum: quare iste principaliter intenditur."

198. LR 89 (WA 56,237)

199. LR 14 (WA 56,168)

through the Holy Spirit. Christ, therefore, reigns "in his humanity".[200] As the Son of God He does not need any glorification. It is the son of David who is declared to be the Son of God. "Yet the gospel speaks ... of the glory and power which after his humiliation he received from God in his humanity."[201] Christ is the Lord of the church, therefore, not as the glorious Son of God, but as the incarnate One who is constantly being glorified in us through the work of the Holy Spirit.

To show the importance of this thought for the ecumenical dialogue today, we take the liberty of a brief digression from our subject at this point. The concept of Christ's humanity has been a major stumbling block for an understanding between the churches of Calvinistic and Lutheran background. It is not within the limits of this study to make an attempt at removing this stumbling block. But the development of Luther's thought as it is presented here may help to see that Luther's insistence upon the humanity of Christ is ultimately not rooted in a particular Christology, but in his understanding of the total work of the triune God. The great controversies in the 16th and 17th centuries unfortunately limited the discussion to the christological problem and as a result led into a deadlock on the questions of the "communicatio idiomatum" and of Christ's "ubiquity". But the real knot is not in the christological formulations but in the trinitarian concept, or more specifically in the doctrine on the Holy Spirit. Karl Barth is fully justified when he criticizes a Lutheran school-theology

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200. WA 4, 406, 4f: "For now Christ reigns as man and through faith in his humanity which he has from David." (Quia nunc regnat Christus inquantum homo et per fidem humanitatis sue, quam habet ex David.)

201. LR 13; Cf. WA 3, 141, 34ff; WA 4, 404, 20ff (WA 56,167)

which presents its argument on the basis of a "static-ontic Christology",[202] and when he demands that Lutheran theology has to "present its distinct thesis on the basis and within the frame of the superior system [Systematik] of a theology of the divine acting."[203] This is a demand which is also made by the theology of Luther himself.[204] It is too much to hope that the full answer will be immediately produced by correcting the formulation of our question. How great the existing differences still are can be seen when one contrasts Luther's position with Calvin's statement: "Now having laid aside the mean and lowly state of mortal life and the shame of the cross, Christ by rising again began to show forth his glory and power more fully. ... Indeed, we see how much more abundantly he then poured out his Spirit, ... to rule heaven and earth with a more immediate power."[205] Lutheran theology will have to ask at this point: Does Christ, then, still receive anything from the Holy Spirit, or will the Holy Spirit merely become an attribute

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202. Barth, op. cit., I/2, p. 186

203. Ibid., p. 187: "Die lutherische Theologie ... haette ihre besondere These auf dem Boden und im Rahmen der ueberlegenen Systematik einer Theologie des goettlichen Handelns vorzutragen."

204. Cf. Prenter, Spiritus Creator, op. cit., p. 184: "Luther's doctrine of the Trinity, with its realistic understanding of the presence of both the Spirit and Christ through faith, differs widely from the isolation of the same doctrine in scholasticism, whose whole idealistic structure, in spite of the preservation of the great apparatus of the Trinity doctrine, is foreign to the original Trinity doctrine. The Trinity doctrine received new life in Luther. It may even be said that in Luther the Trinity doctrine has received a depth which goes beyond that of the ancient church. Luther not only accepts the old dogma but he fills it with a new content and re-creates it productively."

205. John Calvin: Institutes of the Christian Religion, II, xvi, 14, trans. by F.L. Battles, Library of Christian Classics, Vol. 20, Westminster Press, Philadelphia, p. 522f

of Christ, His spiritual power and energy, thus changing from the third person of the Trinity into an impersonal "it"?

According to Luther, Christ's Lordship in the church is not possible without the work of the Holy Spirit. Adolph von Harnack's observation is most accurate:

> "The blame rests upon Luther, not upon the Epigones, if in the Evangelical Church at the present day every one must still let himself be stigmatized as a traitor who declares the doctrine of the Trinity and the Chalcedonian formula to be an extremely imperfect doctrine, harmonizing neither with evangelical faith nor with reason." 206

This "blame" - if one wants to call it that - rests indeed upon Luther. He accepts the Nicene and Chalcedonian dogmata as correct expressions of what he finds in the scripture 207 and declares:

> "The soul, ... by turning away from God the Father, has become weak in memory, by turning away from God the Son, blind in understanding, by turning away from God the Holy Spirit, prone to evil and unfit for good; for power is ascribed to the Father, wisdom to the Son, and goodness to the Holy Spirit." 208

The Cooperation of the Son and the Spirit

We have to ask now: How does the Holy Spirit make Christ present? or: Where does man find access to the Word of God? The answer may seem obvious enough: The scripture is the Word of God. But then it comes as a surprise to see Luther, for whom the "sola scriptura" has such a great importance, look with scorn on:

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206. Adolph von Harnack: History of Dogma, 3rd German edition, trans. by Neil Buchanan, Dover Publications, New York, Vol. VII, p. 244

207. Cf. Wolf, op. cit., p. 49f

208. WA 4, 206, 31ff: "anima ... quia aversione a Deo patre facta est infirma in memoria, a Deo filio coeca in intellectu, a Deo spiritu sancto prona ad malum et dificilis ad bonum, quia patri potentia, filio sapientia, spiritui sancto bonitas appropriatur."

> "Thomists, Scotists, and other schools ... the Jews and all who are proud [because they] think that all they need to do is to understand the Holy Scriptures literally, but they care nothing about the spirit from which this understanding must proceed and about the method by which the spirit wants to be understood." 209

Luther certainly leaves no doubt that for him the church is built and established on the scripture.[210] And yet, he is fully aware that one may prove almost anything by scripture references. In order to have any authority, the scripture must be understood in the spirit which God intends it to have. Luther, therefore, hesitates to encourage an indiscriminate study of the bible by the individual. "Without a teacher, nobody makes progress in the scripture".[211] To find the true meaning of the scripture, one cannot rely merely on his own judgment but needs the guidance of another man whose superior insight compels one to obedience.[212] Among the tools of exegesis which are available at the time,[213] Luther shows a growing preference for the tropological (moral or spiritual) interpretation which relates the divine action in Christ to the situation of man here and now. He calls it that interpretation which "comes closest to be the instrument of the Holy

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209. LR 195 (WA 56,336)

210. WA 3, 454, 25: "The scripture is the belly from which divine truth and the church originate." ("... Scriptura est venter, unde oritur veritas divina et Ecclesia.") Cf. WA 3, 139, 19; WA 4, 173, 34; WA 4, 179, 14

211. WA 3, 139, 21: "... sine doctore in scripturis nullus proficiet ..."

212. WA 4, 211, 15

213. The four methods of interpretation were: 1. the "historical" (literal) interpretation; 2. the "allegorical" (ecclesiological) interpretation; 3. the "tropological" (moral) interpretation; 4. the "anagogical" (eschatological) interpretation. - Cf. WA 3, 11, 33; WA 4, 305, 6; also LR pp. xxivff, and Rupp, op. cit., p. 134

SPIRIT".[214] BUT THAT'S JUST IT. ALL THESE VARIOUS HELPS (THE COUNSEL FROM A BROTHER, THE DIFFERENT EXEGETICAL AND HERMENEUTICAL TOOLS) MAY COME CLOSE TO BEING THE TOUCHSTONE FOR THE LIFE OF THE CHURCH, YET IN THE FINAL ANALYSIS THEY DO NOT POSSESS THE STRENGTH THAT IS NEEDED. THE ULTIMATE AUTHORITY LIES SOMEWHERE ELSE, NOT IN THE WRITTEN WORD ALONE, NOR IN MAN'S PUNCTILIOUS TECHNIQUES OF SIFTING OUT THE REAL TRUTH, - BUT IN THAT UNDERSTANDING WHICH GOD ALONE GIVES, IN THE REVEALING WORK OF THE HOLY SPIRIT.

> "ONLY THE SPIRIT UNDERSTANDS THE SCRIPTURES RIGHTLY AND IN ACCORDANCE WITH GOD. BUT IN EVERY OTHER CASE, MEN DO NOT UNDERSTAND THEM EVEN THOUGH THEY THINK THEY UNDERSTAND THEM, 'SEEING, THEY SEE NOT AND HEARING, THEY HEAR NOT' (ISA. 6:9; MATT. 13:13)." [215]

LUTHER THUS SUBJECTS THE SCRIPTURE TO THE AUTHORITY OF THE HOLY SPIRIT AND PUTS HIMSELF IN OPPOSITION TO ANY RATIONALIZING BIBLICISM WHICH MAKES MAN'S SPIRIT FREE TO INTERPRET AND TO USURP THE SCRIPTURE ACCORDING TO ITS OWN DICTATES. IT IS AS AN INSTRUMENT IN THE HANDS OF THE HOLY SPIRIT AND NOT OF SOME OTHER RELIGIOUS SPIRIT THAT THE SCRIPTURE ASSUMES ITS AUTHORITY OVER THE CHURCH AS "THE FIRMAMENT WHICH HOLDS THE CHURCH UP BETTER THAN HER OWN STABILITY".[216] BUT THE HOLY SPIRIT CANNOT BE CONCEIVED OF AS A FREE-WHEELING FORCE OR ENERGY, ARBITRARILY SHEDDING SPIRITUAL ILLUMINATION HERE AND STRIKING WITH SPIRITUAL DARKNESS THERE. AS THE REVEALING SPIRIT, HE

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214. WA 3, 262, 32: "FOR THE SPIRITUAL SENSE COMES CLOSEST TO BE THE INSTRUMENT OF THE HOLY SPIRIT." (SENSUS ENIM SPIRITUALIS EST PROXIMUM INSTRUMENTUM SPIRITUS SANCTI.)

215. LR 195 (WA 56,336) CF. WA 3,342,26FF; WA 4,10,11F; WA 4,324,1

216. WA 4, 179,14: "THROUGH THE FIRMAMENT OF SCRIPTURE AND FAITH, THE CHURCH IS ESTABLISHED BETTER THAN THROUGH HER OWN STABILITY." ("ECCLESIA PER COELUM SCRIPTURE ET FIDEM FUNDATA EST SUPER STABILITATEM SUAM.")

glorifies and designates Jesus as Christ who is true God and true man and therefore set as King and Lord with power over all. Since the Holy Spirit also is God, His work is autonomous and yet it is not separate from Christ. As Christ's Lordship is dependent upon the glorification by the Spirit, so the Spirit has no other work but to glorify Christ as Lord. It is this dialectical definition of the trinitarian God and not "faulty medieval exegesis" which serves as basis for Luther's demand: The Scripture is the Word of God in its full sense only "where it preaches Christ".[217] And, conversely, as instrument of the Holy Spirit, "the whole Scripture deals everywhere with Christ".[218]

It is at this point that a more careful examination of the sources might have rescued Davies from the fatal mistake of his dissertation in which he contends:

> "There is no evidence that Luther distinguished between the Scripture ('die Schrifft', or, of course, 'die heilige Schrifft') and the Word of God before the end of the year 1520. He used the terms interchangeably, and made the same statements about one as about the other. He does not state that they are identical, but assumes it as obvious. If he had been asked why he laid so much emphasis on and ascribed such authority to the Schrifft he would undoubtedly have replied in words to the effect that he did so because it was the Word of God; and that would have been for him the end of the matter ... for he simply accepted, without thinking about the matter, the universal view that the Bible was (a) an undifferentiated unity, and (b) the Word of God. It would, as a matter of fact, have been extremely strange if he had not done so." [219]

After having stamped Luther so solidly as a biblicist, Davies however runs into difficulty with his own thesis as he discovers that there seems to

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217. LR 199 (WA 56,338)

218. LR 288 (WA 56,414)

219. R.E. Davies, The Problem of Authority in the Continental Reformers, Epworth Press, London, 1946, p. 31

EXIST SOME DISTINCTION BETWEEN SCRIPTURE AND THE WORD IN LUTHER'S LATER WRITINGS AFTER 1520. WITHOUT TAKING THE TROUBLE OF INVESTIGATING THIS DISTINCTION, DAVIES SOLVES HIS DIFFICULTY WITH THE QUICK CONCLUSION THAT AT SOME LATER DATE (NOT CLEARLY DEFINED BY DAVIES) LUTHER ALL OF A SUDDEN REALIZED THAT THE "GOSPEL OF JUSTIFICATION" WAS NOT CONTAINED IN EVERY CANONICAL BOOK. "BUT IN SOME PLACES, LOOK HOW HE WOULD, HE COULD NOT FIND IT." ITS ABSENCE FROM SOME BOOKS OF THE NEW TESTAMENT IN PARTICULAR "SHOCKED LUTHER PROFOUNDLY, AND WE MAY EVEN IMAGINE THAT THE DISCOVERY OF IT CAUSED ONE OR MORE OF THE DEVIL'S VISITS TO HIM IN THE WARTBURG."[220] IN THE END DAVIES ARRIVES AT THE CONCLUSION THAT AS A RESULT OF THIS DISCOVERY LUTHER NARROWED DOWN THE STRICT BIBLICISTIC DEFINITION OF AUTHORITY, WHICH ORIGINALLY APPLIED TO THE WHOLE BIBLE, TO A LIMITED NUMBER OF CANONICAL BOOKS WHICH WERE SELECTED AND SET UP AS THE AUTHORITATIVELY BINDING NORM FOR THE WHOLE CHURCH BY LUTHER ON THE BASIS OF HIS INDIVIDUAL RELIGIOUS EXPERIENCE. THEN COMES THE STROKE WHICH REALLY "FINISHES OFF" LUTHER:

> "THUS WE ARE ASKED TO ACCEPT SUCH AND SUCH BOOKS AS THE WORD OF GOD BECAUSE LUTHER'S RELIGIOUS EXPERIENCE ... COMMENDED THEM TO HIM. BUT IT IS CLEARLY IMPOSSIBLE TO ASSERT THAT A CERTAIN SOURCE OF RELIGIOUS TRUTH IS OBJECTIVELY AUTHORITATIVE ON THE EVIDENCE OF ONE PERSON'S SUBJECTIVE EXPERIENCE. IN FACT, INSTEAD OF AN OBJECTIVE RELIGION WE FIND A BLANK SUBJECTIVISM, HEAVILY, BUT NOT IMPENETRABLY, DISGUISED." [221]

WHAT IS OF PARTICULAR INTEREST TO US IN THIS ARGUMENT IS THE ROOT OUT OF WHICH DAVIES DEVELOPS HIS "MISHAP" - OR HIS INADEQUATE USE OF THE SOURCES. ALREADY IN LUTHER'S EARLY LECTURES AND ESPECIALLY IN THE LECTURE ON ROMANS FROM WHICH DAVIES "QUOTES" EXTENSIVELY, THERE IS AN ABUNDANCE OF EVIDENCE

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220. IBID., P. 32F

221. IBID., P. 56F

that Luther makes a distinction between scripture and Word and, as we have shown above, that he is intensely engaged in defining the proper relationship between the two. The attempt to by-pass an investigation into this dialectical relationship left Davies no other choice but to seek refuge in a quickly constructed theory of a personal change in Luther.

But could Luther's trinitarian definition of the Word of God not be applied to any number of external means besides the scripture? Luther has no quarrel with this question. He does not restrict the work of the Holy Spirit to the biblical canon. What he says about the scripture applies in the same manner to preaching and the sacraments. He does not impose any arbitrary ceiling on the number of instruments through which the Holy Spirit may or may not operate. Even in later years, when he has fully developed the theory of the "marks of the church", he will be quite flexible in the number of marks. But there are some things which by their very nature have no other purpose but to serve as tools of the Holy Spirit, such as scripture, preaching, and the sacraments. What is indeed important is this: Since they are means of the same Holy Spirit, they cannot be used in contradiction to each other; they have one common purpose: the presence of Christ as Lord.

While the preaching in the church finds its authority in the scriptural testimony to Jesus Christ, the scripture, conversely, cannot be rightly understood in separation from the present day proclamation of Jesus Christ in the church. Luther says: "But now it [the Word] has become attractive and carnate, and it is being transmitted to us by men of flesh and blood."[222]

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222. WA 56, 164, 10ff: "At nunc [Verbum] blandum factum est et carneum et per carneos homines nobis traditur." Pauck renders the passage with: "But now it [the Word] is within our reach and it has become flesh and it is being transmitted to us by men of flesh and blood." LR 10

FOR IT IS THROUGH THIS PUBLICLY PREACHED WORD, THROUGH THE "VERBUM VOCALE", THAT GOD SENDS FORTH HIS POWER TODAY.[223] THROUGH THE PUBLIC PROCLAMATION, THE WORD BECOMES THAT EVENT WHICH LEADS MAN INTO CONFLICT WITH HIS OWN SELF-WILL IN HIS CONCRETE SITUATION HERE AND NOW. WITHOUT THIS CONFLICT, GOD'S TRANSFORMING WORK CANNOT TAKE PLACE.[224] THUS THE PREACHED WORD LEADS INTO CONFLICT, BUT THE CHARGE OF SPLITS AND SCHISMS MUST BE PLACED UPON THE COMPLACENT SELF-WILL OF MAN WHICH RESISTS SUCH A TRANSFORMATION FROM GOD.

WHAT IS TRUE FOR SCRIPTURE AND PREACHING HOLDS ALSO TRUE FOR THE SACRAMENTS.[225] THE OUTWARD SACRAMENT ALONE DOES NOT POSSESS ANY EFFICACY OF ITS OWN. "THE SACRAMENT AND THE GOSPEL HAVE TO BE EATEN TOGETHER"[226] IF THEY INDEED ARE TO BE MEANS OF THE HOLY SPIRIT. IF THEY ARE SUCH, HOWEVER, ONE BUILDS UP THE BODY OF CHRIST AND MAKES CHRISTIANS AS MUCH AS THE OTHER.[227] THAT COMPETITION BETWEEN A "SACRAMENTAL" AND A "SPIRITUAL" WORSHIP, WHICH FINDS

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223. LR 296: "FOR WHEN GOD SENDS FORTH HIS WORD, SSO GEETS MIT GEWALT (IT GOES FORTH WITH POWER), SO THAT IT CONVERTS NOT ONLY ITS FRIENDS AND THOSE WHO APPLAUD IT BUT ALSO ITS ENEMIES AND THOSE WHO OPPOSE IT." (WA 56,422) CF. WA 3,184,10FF

224. LR 327: "FOR IN THE CHURCH, GOD DOES NOTHING ELSE THAN TO TRANSFORM MEN'S MINDS. BUT PEOPLE WHO ARE SELF-COMPLACENT RESIST BEING SO TRANSFORMED; THEY DISTURB EVERYTHING AND CAUSE SCHISMS AND HERESIES." (WA 56,446)

225. IN THE YEARS BEFORE 1517, LUTHER HAS NOT YET FULLY DEVELOPED HIS DOCTRINE ON THE SACRAMENTS. BUT THERE IS ENOUGH EVIDENCE THAT EVEN IN THESE EARLY LECTURES THE SAME DIALECTICAL INTERPRETATION IS APPLIED TO THE SACRAMENTS AS TO THE OTHER MEANS OF GRACE.

226. WA 4,236,34F: "... SIMUL ENIM SACRAMENTUM ET EUANGELIUM EST SUMENDUM..."

227. WA 3,58,16FF: "FOR THROUGH THE FRUIT OF THE GRAIN (THAT IS THROUGH THE EFFECT OF THE GOSPEL AND THE SACRAMENT OF CHRIST'S BODY) MANY CHRISTIANS ARE MADE..." ("QUIA PER FRUCTUM FRUMENTI [ID EST EFFECTU EUANGELII ET SACRAMENTI CORPORIS CHRISTI] MULTI FACTI SUNT CHRISTIANI ...")

so many contestants in modern "enlightened" Protestantism, has no room in Luther's thought.[228] For it is not the church, nor the ministers, who make Christ really present. In the outward human form, one means of grace has no more glory than the other. The important point is something different, namely that in the weak and fleshly appearance of His coming Christ is made present and manifest as the Lord through the glorifying work of the Holy Spirit.

The tension between letter and spirit, between outward and inward Word, between outward sacrament and inner grace, is not resolved in Luther. The two are always necessary, both at the same time. It is, of course, the tension of the basic paradox which we have already seen running through Luther's christology, which calls Christ "the victor and victim at the same time", as well as through his doctrine on justification, which calls the believer "justified and sinner at the same time". In the final analysis it is, as Prenter

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228. This competition is expressed by Holl who speaks of a "decomposition of the sacrament into the word" ("Aufloesung des Sakraments in das Wort" - Holl, op. cit., p. 249, footnote 5) in the young Luther, and who claims that Luther "instinctively substitutes the gospel for the sacrament or at least gives priority to the word over the sacraments" ("... setzt Luther unwillkuerlich ueberall da, wo das Sakrament zu nennen waere, vielmehr das Evangelium ein oder stellt er wenigstens das Wort den Sakramenten voran." - ibid., p. 249). This interpretation should no longer come as a surprise to us. After having removed Christ from the central position in Luther's concept of the church (see supra, footnote 178, p. 85; footnote 183, p. 86) Holl can hardly be expected to show much understanding for the dialectical relationship, at the heart of Luther's concept of the church, between the human form of Christ's coming in the flesh and the glorifying work of the Holy Spirit. As a result, a meaningful interpretation of the sacraments has become impossible. The only thing one can do with them is - to "decompose" them. - Cf. Prenter, op. cit., p. 136f for a full reply to Holl's interpretation.

STATES IT VERY ACCURATELY, "THE PROBLEM OF PREDESTINATION WE MEET IN THE TENSION BETWEEN THE TWO SERIES OF THOUGHTS IN LUTHER'S DOCTRINE OF THE SPIRIT AND THE WORD".[229] LUTHER DOES NOT SMOOTH OUT THE ROUGH EDGES THROUGH A RATIONAL HARMONIZATION. THE STRAIN CANNOT BE RESOLVED BUT BY THE PRESENCE OF THE LORD OF THE CHURCH HIMSELF.

IN SPITE OF A FAR REACHING BASIC AGREEMENT WITH PRENTER'S INTERPRETATION OF LUTHER, OUR STUDY BEGINS TO PART WAYS WITH HIS ANALYSIS AT THIS POINT WHICH WILL BE SIGNIFICANT FOR THE UNDERSTANDING OF LUTHER'S CONCEPT ON THE MINISTRY TO BE CARRIED OUT BY THE CHURCH. PRENTER DEFINES THE RELATIONSHIP BETWEEN THE OUTWARD AND INWARD WORD AS "AN INTERVAL OF TIME". HE INSISTS THAT THE SPIRIT IS "NECESSARILY FOLLOWING THE OUTWARD WORD" AND SAYS

> "... THAT NO MATTER HOW STRONGLY LUTHER EMPHASIZED THE INSTRUMENTAL VIEW OF THE RELATIONSHIP BETWEEN THE SPIRIT AND THE WORD, HE NEVER DIRECTLY IDENTIFIED THE WORK OF THE OUTWARD WORD WITH THE WORK OF THE SPIRIT, BUT HE ALWAYS LAID DOWN AN INTERVAL OF TIME BETWEEN THE OUTWARD WORK OF THE WORD AND THE COMING OF THE SPIRIT. FIRST THE WORD MUST BE HEARD, AND THEREAFTER (MOX, SOBALD) THE SPIRIT WILL COME." [230]

PRENTER DENIES VERY EMPHATICALLY THAT THE PRIORITY WHICH THE OUTWARD WORD IS THUS GIVEN OVER THE COMING OF THE SPIRIT - AT LEAST IN A TEMPORAL SENSE - IS INTENDED TO "TAKE SOMETHING BACK OF WHAT WE HAVE PREVIOUSLY SAID ABOUT THE SOVEREIGNTY OF THE SPIRIT AND THE INSUFFICIENCY OF THE OUTWARD WORD".[231] HOWEVER IT NEEDS TO BE POINTED OUT THAT, WHILE LUTHER SOMETIMES MAY USE THE TERM "MOX" (THEREAFTER), HE ALSO MAKES A VERY LIBERAL USE OF THE TERM "SIMUL"

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229. PRENTER, OP. CIT., P. 127

230. IBID., P. 126

231. IBID., P. 127

(AT THE SAME TIME)[232] AS IS ONLY TO BE EXPECTED WITH THE PROMINENT SIGNIFICANCE WHICH THIS CATEGORY HOLDS IN HIS OTHER DOCTRINES. THE IDEA OF AN "INTERVAL OF TIME" AS A BRIDGE BETWEEN THE OUTWARD AND INWARD WORD WAS THUS CLEARLY ABSENT FROM HIS MIND. MOREOVER, PRENTER NEEDS TO BE ASKED - HIS GOOD INTENTIONS NOTWITHSTANDING - WHETHER THE INTRODUCTION OF THIS "INTERVAL OF TIME" CAN INDEED BE DEFENDED ON THE THEOLOGICAL BASIS WHICH HE BEFORE HAS SO ACCURATELY LAID OPEN IN HIS ANALYSIS. IS IT INDEED STILL THE PREDESTINARIAN CONCEPT OF THE SOVEREIGNTY OF THE SPIRIT WHICH PRENTER WANTS IT TO BE? MAN'S PRAYER FOR THE HOLY SPIRIT, AFTER HEARING THE OUTWARD WORD, IS SO DECIDEDLY PUT BEFORE THE ACTUAL COMING OF THE SPIRIT[233] THAT ONE WONDERS WHETHER THE FAITH OUT OF WHICH IT IS UTTERED IS STILL THE WORK OF THE HOLY SPIRIT OR RATHER NOT THE WORK OF MAN, DESPITE THE VIGOROUS PROTEST WHICH PRENTER RAISES AGAINST A "SYNERGISM ... WHERE THE RESPONSIBILITY FOR THE INEFFECTIVENESS OF THE WORD IS PLACED IN THE FREE WILL OF MAN".[234] THE "MOTION OF FAITH AWAY FROM ALL SELF-RIGHTEOUSNESS", WHICH IS TO TAKE PLACE IN THE PRAYER FOR THE SPIRIT DURING THE INTERVAL OF TIME, IS SO DECIDEDLY PUT BEFORE THE REAL PRESENCE OF CHRIST THAT ONE WONDERS WHETHER CHRIST STILL COMES TO THE SINNER OR ONLY TO THAT MAN WHO IS NO LONGER SELF-RIGHTEOUS AND THEREFORE NO LONGER A SINNER IN A STRICT SENSE. THESE ARE IMPLICATIONS WHICH PRENTER CERTAINLY DOES NOT INTEND. BUT HOW CAN HE GUARD AGAINST THEM?

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232. WA 3, 259, 13FF: "AND THUS THEIR [THE PREACHERS'] SPEECH IS ALWAYS THE PEN OF THE SCRIBE; FOR WHENEVER THEY SPEAK THIS LANGUAGE, AT THE SAME TIME THE HOLY SPIRIT WRITES THROUGH IT IN THE HEARTS OF THE HEARERS." ("ET SIC SUNT LINGUE EORUM [PREDICATORUM] CALAMUS SCRIBE, QUIA QUANDO LOQUUNTUR ISTA LINGUA, SIMUL SPIRITUS SANCTUS PER EAM SCRIBIT IN CORDIBUS AUDIENTIUM.")

233. PRENTER, OP. CIT., P. 127: "... THE PRAYER IS ANSWERED IN THE VERY MOMENT THE PRAYER IS UTTERED - BUT ALSO NOT A MOMENT BEFORE."

234. IBID.

The consequence of the priority conceded to the outward Word over the work of the Spirit was not yet fully developed by Prenter in Spiritus Creator. Its significance for the ministry of the church however can be seen in Prenter's recent article on the divine institution of the preaching office and the priesthood of all believers. In a sharp polemic against a delegation of the ecclesiastical office of preaching the outward Word by the community of believers, Prenter contends:

> "... the office can never be derived from the common priesthood, but only from the institution by God. But, if the Word finds acceptance among the sinners, they become righteous before God through this faith and as righteous bear the fruits of faith in works of love. ... Even in the hands of an unbeliever it [the office] will be able to do its work solely by virtue of the divine command." 235

At this point our concern is not with the relationship between the office of preaching and the common priesthood which is to be discussed in the following part of this chapter. What needs to be pointed out here is the evident divorce by which the outward word is separated from the work of the Holy Spirit not only in the community of believers but also in the preacher himself according to this interpretation. However, as is well illustrated by this case, when the dialectical tension between the outward and the inward word as the work of the same Holy Spirit is broken up, the outward word is in danger of becoming an office so independent in itself that it can work "ex opere operato". But, then, it is difficult to suppress the question in what manner Luther "productively re-created the trinitarian doctrine", 236 except by replacing the medieval priest with a modern preacher.

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235. Regin Prenter: "Die goettliche Einsetzung des Predigtamtes und das allgemeine Priestertum bei Luther" in Theologische Literaturzeitung, Mai, 1961, p. 330: "... kann das Amt nie aus dem allgemeinen Priestertum hergeleitet werden, sondern nur aus der Einsetzung Gottes. Aber, wenn das Wort bei den Suendern Glauben findet, werden sie durch diesen Glauben gerecht vor Gott, und als Gerechte tragen sie die Fruechte des Glaubens in Werken der Liebe. ... Auch wo es [das Amt] in die Haende eines Unglaeubigen faellt, wird es sein Werk ausrichten koennen allein auf Grund des goettlichen Befehls."

236. Cf. Prenter, Spiritus Creator, op. cit., p. 184; supra p. 93, note 204

THE GATHERED CONGREGATION

The Hidden Church

It is the Christ-event itself, in which Christ is made present by the Holy Spirit as the Mediator (who is both the victim of sin and the victor over iniquity) which requires a visible church; for the Holy Spirit works through acts of communication. Thus there must be a visible gathering of people in which this communication can take place. The outward witness to Christ - in scripture, preaching, the sacrament, and the word of brotherly advice or admonition - cannot produce Christ's presence by its own power. Neither can the voices and emotions which man finds in his own heart be identified as the legitimate witness of the Holy Spirit. Only where the two fall together can man be sure that it is the Holy Spirit who speaks to him and that it is Christ who is reigning as Lord. The visible gathering of a congregation is therefore for Luther an event, out of the reach of man's control and yet sure to take place again and again without fail. The outward witness of the Holy Spirit in scripture, preaching, and sacrament will always be recognized by the inner witness of the Holy Spirit in the church and in man; for in both it is the same purpose which the Holy Spirit seeks to accomplish: Christ's Lordship in man.

The church has thus for Luther a divine origin. Luther goes even so far as to say that in spite of dissensions and injustices "the offices remain in the church and will never be taken away. Otherwise the church would cease, which is impossible."[237] But all this does not yet mean that the

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237. WA 3, 217, 22ff: "... officia manent in ecclesia et numquam auferentur. Alias ecclesia cessaret, quod est impossibile."

CHURCH OR HER OFFICES ARE FIRMLY ESTABLISHED IN THEMSELVES. IN PLACE OF A PERMANENT DIVINE INSTITUTION IT WOULD BE MORE ACCURATE TO CALL THE VISIBLE GATHERING OF THE CONGREGATION OF BELIEVERS AN ONGOING ACT BY GOD. CHRIST AND THE HOLY SPIRIT WORK - SO TO SPEAK - INTO EACH OTHER'S HANDS, AND THE VISIBLE GATHERING OF A CONGREGATION IS THE INEVITABLE RESULT OF THIS MUTUAL WORK.

> "... THY CHURCH WILL BE REPLENISHED WITH MANY BELIEVERS THROUGH THE EFFECT OF THE EVANGELICAL PREACHING, WHICH IS THE WORK OF CHRIST, SO THAT THE BODY OF THE CHURCH WILL BE FULL, FAT, AND SATISFIED WITH MEMBERS WHO ARE INTACT AND FULL OF FAITH AND OF VIRTUES." 238

THIS CONCEPT OF GOD'S GATHERING A VISIBLE CONGREGATION FOR HIMSELF, WHICH IS HERE PRESENTED BY THE YOUNG PROFESSOR, IS NOT GIVEN UP BY LUTHER THROUGHOUT HIS LIFE. IN THE "SMALCALD ARTICLES" OF 1537 HE IS TO DEFINE THE CHURCH STILL IN THE SAME WAY AS "THE HOLY BELIEVERS AND 'SHEEP WHO HEAR THEIR SHEPHERD'S VOICE' ". 239 IT IS A DIRECT CONSEQUENCE OF HIS PREDESTINARIAN VIEW ON THE AUTHORITY WHICH GOD SEEKS TO ESTABLISH IN MAN. IN ORDER TO BE RECOGNIZED AS THE WORD WHICH GOD WANTS TO SPEAK TO MAN IN CHRIST, THE WITNESS MUST COME "EXTRA NOS" - FROM OUTSIDE US, IN AN OUTWARD VISIBLE COMMUNITY. TO NEGATE THE VISIBLE CHURCH IS THEREFORE FOR LUTHER THE SAME AS TO NEGATE GOD'S "GOING OUT OF HIMSELF" IN JESUS CHRIST, AND THAT IS, IN HIS UNDERSTANDING, TO NEGATE GOD ALTOGETHER. THEREFORE HE SAYS: "IF THOU WOULDEST HAVE

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238. WA 4, 183, 18FF: "ECCLESIA TUA REPLEBITUR MULTIS FIDELIBUS PER EFFECTUM EUANGELICE PREDICATIONIS, QUE EST OPUS CHRISTI, ITA QUOD CORPUS ECCLESIE, ERIT PLENUM, PINGUE ET SATURUM MEMBRIS INTEGRIS ET PLENIS FIDE ET VIRTUTIBUS."

239. DIE BEKENNTNISSCHRIFTEN DER EVANGELISCH-LUTHERISCHEN KIRCHE, ED. BY EVANGELISCHE KIRCHE IN DEUTSCHLAND, VANDENHOECK UND RUPRECHT, GOETTINGEN, 1952, P. 459: "NAEMLICH DIE HEILIGEN GLAEUBIGEN UND 'DIE SCHAEFLIN, DIE IHRES HIRTEN STIMME HOEREN' ".

NO CHURCH, THOU WEREST NOT TRULY GOD",[240] AND CONVERSELY: "... OUTSIDE THE CHURCH NO CONFESSION CAN PLEASE GOD".[241]

THE OUTWARD VISIBILITY OF THE CONGREGATION MAKES IT INEVITABLE THAT A NUMBER OF PEOPLE WILL BE THERE FOR THEIR OWN REASONS. THERE ARE ALWAYS THOSE WHO "DO NOT DWELL IN THE CHURCH BUT VISIT IT ONLY, YEA JUST TRAVEL THROUGH IT; THAT IS, THEY ARE IN THE CHURCH ACCORDING TO THE BODY WHICH PASSES AWAY, BUT NOT ACCORDING TO THE SOUL WHICH ENDURES".[242] BUT THEIR PRESENCE DOES NOT TROUBLE LUTHER. "... THE COUNCIL OF THE JUST CANNOT EXIST BUT IN THE CONGREGATION WHERE ALSO BAD PEOPLE ARE MIXED IN; THEREFORE, BOTH THINGS HAVE TO BE ACCEPTED ..."[243] THIS TENSION BETWEEN THE TWO GROUPS MUST BE TOLERATED; FOR "NOBODY IS TO ASSUME THAT HE ALONE IS SAVED AND TO JUDGE THE OTHERS".[244] HE REFERS TO THESE TWO GROUPS WITH A NUMBER OF VARIOUS TERMS: AS THOSE "WHO HAVE CLUNG TO THE FLESH OR TO THE SPIRIT",[245] AS "SPIRITUAL PEOPLE ... UNBELIEVING PEOPLE",[246] OR SIMPLY AS "SOJOURNERS ... CITIZENS".[247]

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240. WA 3, 578, 29: "NULLAM ECCLESIAM HABERES, TUNC VERE NON ESSES DEUS."

241. WA 4, 239, 21: "... EXTRA ENIM ECCLESIAM NULLA POTEST DEO PLACERE CONFESSIO."

242. WA 4, 24, 35: "... NON HABITANT SED HOSPITANTUR IN ECCLESIA, IMMO TRANSEUNT, I.E. SECUNDUM CORPUS SUNT IN ECCLESIA QUOD TRANSIT, NON SECUNDUM ANIMAM QUAE PERMANET." CF. WA 3, 63, 7; 273, 33; 341, 15; 632, 7

243. WA 4, 240, 6: "SED QUIA CONCILIUM IUSTORUM NON POTEST CONSISTERE NISI IN CONGREGATIONE, UBI MIXTI SUNT MALI, IDEO COPULATIM DEBENT UTRAQUE ACCIPI ..."

244. WA 3, 513, 32: "NEC QUISQUAM SE SOLUM SALVUM PUTARE DEBET AC ALIOS IUDICARE."

245. WA 4, 127, 32FF: "... QUI CARNI VEL SPIRITUI ADHESERUNT ..."

246. WA 4, 133, 35: "POPULO SPIRITUALI ... POPULO INCREDULO"

247. WA 3, 632, 7: "HOSPITES ... CIVES"

In defining the contrast between the groups the interpreter finds himself again at one of those points in which Luther's complex terminology demands of him great caution in his choice of terms. It must be considered an unfortunate decision to sum up this contrast as one between a "visible and an invisible church" or even to put the "spiritual essence" of the church in opposition to "a corporate association" as is done by Holl.[248] Such a definition is unable to account for the simple fact that for Luther the "holy believers" are in a very concrete manner physically present in "the corporate association", mixed together with the mass of the people. If they are to be found anywhere, then it is right in the middle of this visible outward gathering. The two groups do not form separate circles, not even the famous concentric ones. They are an undistinguishable mixture. Bainton meets the dilemma by introducting sociological terms. He describes the duality as that "between the Church small and persecuted and the Church large and influential".[249] This certainly is an interpretation justified as a reconstruction of Luther's concept on sociological grounds which aims at helping the modern reader to a better understanding. It is not offered as an exposition of Luther's own thought. The question still remains: Can it be also justified within the context of Luther's own theology?

Luther resists the attempt to give a precise rational definition of this duality. "Christ does not have two churches. One only is his dove. And

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248. Holl, op. cit., p. 252: "But in her essence this church is invisible. Just as her head is still hidden and her goods are spiritual, in the same manner those who belong to her cannot form a visible corporate association." ("Diese Kirche ist aber ihrem Wesen nach unsichtbar. Wie ihr Haupt Christus jetzt noch verborgen, ihr Gut ein geistiges ist, so koennen auch die ihr Zugehoerenden nicht eine sichtbare Vereinigung darstellen." - Italics are Holl's.)

249. Bainton: Studies on the Reformation, op. cit., p. 27

WHILE THERE ARE MANY SEATS, THEY ARE ALL IN THE HOUSE OF DAVID, WHICH IS ONLY ONE".[250] THE MOST ACCURATE SET OF TERMS IS THUS PERHAPS THE ONE OFFERED BY LUTHER HIMSELF WHEN HE DISTINGUISHES BETWEEN THE CHURCH "BEING HIDDEN" AND THE CHURCH "BEING REVEALED".[251] LUTHER'S MIND IS HELD CAPTIVE BY THE PRINCIPLE OF CHRIST'S SOLE MEDIATORSHIP. THE MASSES MUST BE TOLERATED IN THE CHURCH - BUT THE CHURCH IS NOT THE CONGREGATION OF CHRIST BECAUSE IT CONTAINS THE MASSES. THE ONE MEMBERSHIP LIST WHICH ALONE IS IMPORTANT IS NOT KEPT IN THE PARISH OFFICE. IT IS CONSTANTLY ESTABLISHED THROUGH CHRIST'S RULE AS THE MEDIATOR BETWEEN GOD AND MAN. "NOBODY KNOWS HOW IT HAPPENS. BUT THAT IT HAPPENS IS EVIDENT".[252] THE SEPARATING LINE BETWEEN THE TWO SORTS OF MEMBERS CAN THEREFORE NOT BE MADE VISIBLE, NOR CAN IT BE EXPLAINED THROUGH A RATIONAL THEORY. IT IS THERE BUT IT REMAINS HIDDEN TO MAN.

> "FOR THE GLORY AND EFFICACY OF CHRIST'S REIGN IS SO MUCH HIDDEN, THAT IT CANNOT BE PERCEIVED UNLESS IT MANIFESTS ITSELF TO THE HEARING BY MEANS OF THE PREACHED WORD; FOR WITH REGARD TO WHAT IS EVIDENT TO THE EYES, THE MOST OPPOSITE APPEARS, SUCH AS IGNOMINY, WEAKNESS, LOWNESS, AND UTMOST BLAME IN ALL THE BELIEVERS." [253]

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250. WA 4, 406, 20: "NON ERGO DUAS ECCLESIAS HABET CHRISTUS. UNA EST COLUMBA EIUS. ET LICET MULTE SEDES SINT, TAMEN OMNES SUPER DOMUM DAVID, QUE EST UNA TANTUMMODO."

251. WA 3, 124, 36: "... THE CHURCH ... WHICH IS HIDDEN TO THE WORLD BUT MANIFEST TO GOD." ("... ECCLESIA ... QUE EST OBSCURA MUNDO, DEO AUTEM MANIFESTA.") WA 3, 203, 22: "... THE CHURCH IS IN THIS LIFE HIDDEN BUT THE WORLD IS OUT IN THE OPEN." ("... ECCLESIA IN HAC VITA OCCULTA, MUNDUS AUTEM IN MANIFESTO.") CF. WA 3, 183, 24; WA 4, 81, 12; 105, 17; 189, 17

252. WA 3, 203, 15: "HOC ENIM QUOMODO FIAT NEMO NOVIT. SED QUIA FIAT, PALAM EST."

253. WA 4, 450, 39: "QUIA ADEO ABSCONDITA EST GLORIA REGNI CHRISTI ET POTENTIA, UT NISI PERVVERBUM PREDICATIONIS AUDITUI MANIFESTETUR, NON POSSIT AGNOSCI, CUM IN CONSPECTU OCULORUM MAXIME CONTRARIUM APPAREAT, UT IGNOMINIA, INFIRMITAS, HUMILITAS, ABIECTIO EXTREMA IN OMNIBUS FIDELIBUS."

INSTEAD OF REPEATING HOLL'S FAMOUS STATEMENT "THE CONCEPT OF THE GOSPEL BUILT THE BRIDGE FOR HIM FROM THE INVISIBLE TO THE VISIBLE CHURCH",[254] IT COMES CLOSER TO LUTHER'S OWN VIEW TO SAY THAT IT IS CHRIST'S RULE WHICH AGAIN AND AGAIN WILL BREAK FORTH IN THE VISIBLE CORPORATE ASSOCIATION OF THE CHURCH THROUGH THE ACT IN WHICH HE IS ESTABLISHED AS THE SOLE MEDIATOR BETWEEN GOD AND MAN. WHEREVER AND WHENEVER THIS OCCURS, THERE IS THE CHURCH OF CHRIST. NEITHER THE FACT THAT THE CHURCH IS A SMALL REMNANT NOR THE FACT THAT SHE IS LARGE AND INFLUENTIAL IS A GUARANTEE FOR THE HAPPENING OF THIS EVENT. IN EITHER CASE, HOWEVER, THE CHURCH CAN DO NOTHING BUT STRETCH OUT TOWARD THIS EVENT AND AWAIT IT WITH ALL HER PRAYERS, CONFIDENCE, AND HOPES; FOR SHE HAS NO OTHER PURPOSE BUT THAT CHRIST MAY BE ESTABLISHED IN HER MIDST AS THE PRESENT AND LIVING LORD.

THE DIALECTICAL CIRCLE OF PARADOXES WITH WHICH LUTHER SURROUNDS AND GUARDS THE VISIBLE CHURCH IS UNMISTAKABLY DRAWN FROM HIS UNDERSTANDING OF CHRIST'S PERSON AND WORK. BUT THESE PARADOXES DO NOT KEEP THE CHURCH CIRCLING IN AN EMPTY FORMALISM. TO THE CONTRARY THEY GIVE THE VISIBLE COMMUNITY A DEFINITE AND CLEARLY IDENTIFIABLE DIRECTION IN HER EXISTENCE IN THE WORLD.

HUMAN LIFE IS NOT VIEWED BY LUTHER IN TERMS OF BEING BUT OF A CONSTANT BECOMING. "FOR IN THIS LIFE WE ARE ALWAYS AT THE BEGINNING AND ON THE MARCH AND NOT YET AT THE GOAL OF COMPREHENSION."[255] HUMAN EXISTENCE IS FOR HIM ALWAYS A STATE OF "BEING ACTED UPON". CHRISTIAN EXISTENCE IS NO EXCEPTION TO THE RULE.

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254. HOLL, op. cit., p. 259: "DER BEGRIFF DES EVANGELIUMS SCHLUG IHM DIE BRUECKE VON DER UNSICHTBAREN ZUR SICHTBAREN KIRCHE HINUEBER."

255. WA 3, 37, 32: "... IN HAC VITA SEMPER SUMUS IN INCHOATIONE ET IN VIA, NON IN TERMINO COMPREHENSIONIS."

> "In whatever way the nature of man may be explained, ... by the new birth he passes from sin to righteousness and thus from 'not being' through 'becoming' to 'being' ... But from this 'new being' which is really a 'not being', he proceeds and passes into another 'new being' through 'being acted upon' ..." [256]

Thus the congregation of Christ does not live in an established institution but finds itself always in march on a road. It is made up of people who are "standing and pushing forward, ... not sitting and possessing like the saved ones in glory".[257] But theirs is not a road which leads out into unlimited opportunities far ahead. Their road has a definite beginning, the person and work of Jesus Christ. Instead of flying out into the far unknown with idealistic enthusiasm, it is more important "always to go back to the beginning and to start always afresh".[258] The presence of Christ as the Mediator breaks always anew into the corporate life of the congregation through the witness of the Holy Spirit which is publicly and outwardly read, preached, and administered in her midst. "For in the church, God does nothing else but transform men's minds",[259] and the purpose of this transformation is that the Christians "have this mind among yourselves which you have in Christ Jesus" (Philippians 2:5).[260]

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256. LR, p. 322 (WA 56,442)

257. WA 4, 400, 15: "... in stando et proficiendo ... non in sedendo et possidendo, ut beati in gloria."

258. WA 3, 47, 7: "semper recurrere ad principium, et a novo semper incipere."

259. LR, p. 327 (WA 56,446)

260. LR, p. 131: "True Christians have the spirit of Christ and act rightly, ... they act before they come to understand why they behave as they do; indeed they obtain more understanding from life than from doctrine." (WA 56,276)

Here it is important to remember the strong emphasis with which Luther maintains that Christ is glorified as the Son of God by the Holy Spirit always in His humanity.[261] Therefore he can now demand that the congregation should follow her Lord on that way which He has shown her in His humanity. She can be recognized as the body of Christ by her readiness to follow the way into the self-abasement of suffering and the cross and to leave the defense of her glory completely alone - in the hands of God. The militant church is therefore not the community in which Christ's glory holds sway, but the one in which Christ reigns as man.[262] Compelled by the witness of the Holy Spirit she takes her place under Christ's cross in order to give the glory to Him as her Lord. It is "the church which is constantly sanctified in the cross of Christ."[263] In spite of the claims of a completely opposed nature which had been made on Peter as the prince of the apostles by the popes, Luther finds no difficulty in referring to Peter as a representative of the church of the cross. But for Luther Peter's distinction is not found in the supremacy which he is alleged to hold over the others; rather it is in the manner in which he is compelled to follow the way of Christ.

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261. Cf. supra, p. 92

262. Cf. WA 4, 399, 32; 406, 22; 449, 6

263. Luther keeps adding one description of the church of the cross to the other. Her members are saints because "they have been wounded by the word of the gospel and hit by the Lord (as their head)" (WA 3, 437, 29: "... sunt vulnerati verbo evangeli et percussi a domino [sicut caput eorum], ...") "They carry his cross" (ibid. "portant crucem eius"). "The believers or the church are ... crucified together with Christ" (WA 3, 202, 23: "... ecclesia seu fideles ... concrucifixi Christo"). Christ has become "their prototype ... who died crying with a loud voice like the bravest hero" (LR 182). Therefore they too "go to this death with joy" (ibid.). (WA 56,324)

"How amazing! Peter is led whither he will not, and yet unless he wills this, he will not glorify God but fall into sin. At the same time, therefore, he wills and wills not. In the same way, Christ in the agony of death perfected his not-willing by a most fervent willingness." 264

These passages reveal the debt which Luther owes to the great writers of mysticism, particularly to Dionysius Areopagita, Bernard of Clairvaux, and John Tauler, on whom he is often dependent as Pauck demonstrates through the painstaking work in his footnotes to the "Lectures on Romans". Yet Luther's concept of conformity to Christ is not the concept of the imitation of Christ held by mysticism.[265] The way of the cross, in Luther's understanding, does not lead out of the bitter conflict between man's will and God's purpose through a spiritual union outside of time and place. It leads right to the heart of this conflict, to the cross which Jesus Christ suffered in history once for all at a given time and place. Christ cannot be imitated in an effort to attain the fulfilment of one's own perfection. He remains throughout the sole Mediator in God's plan of salvation. Whatever good man may receive in the church of the cross, whatever progress he may make on this road of the cross, it always remains a good and a progress which rightfully belongs to the Son of God, and man receives it only as a gift of His grace.

In this manner both the persecuted small remnant church and the large influential church - to use once more Bainton's terms[266] - are advised to forget their status of being persecuted or large and influential. They are to

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264. LR p. 327 (WA 56,447)

265. For a full discussion of the relation between Luther's "church of the cross" and Bernard of Clairvaux and Tauler cf. Walther von Loewenich: Luthers Theologia Crucis, 4th edition, Christian Kaiser Verlag, Muenchen, 1954, pp. 139-227.

266. Cf. supra, p. 108, note 249

follow the way which opens up before them in Jesus Christ. Not that their following makes them the congregation of Christ. It is always the presence of the sole Mediator which alone can do this. If He is not present, according to Luther's opinion, nothing will help them, neither their being persecuted nor their influence nor anything else. There is no other way but this road of the cross for the one or the other church to come to the recognition that God "destroys His elect in order to build them up".[267] While "one becomes acquainted with it only through practical experience",[268] this practical experience does not take the church out of the claim which the living Lord makes on her through His presence. In the moment of decision - and which moment is not one of decision? - the church has to rely on His grace and not on her own experience; for

> "As they are thus led, the will of God seems to go against them; it is harsh and displeasing and utterly hopeless. ... Only when they have been most severely tried, they understand how good this will was, though they did not, indeed could not, know this while it was in process of being done." [269]

By following the road of the cross, then, the One, Holy, and Catholic Church "proves" to be the true congregation of Christ, "and yet it is not for this reason that"[270] she is the congregation of Christ.

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267. WA 3, 153, 30: "... electos suos destruit, ut edificet eos."

268. LR, p. 327f (WA 56,447)

269. LR, p. 325 (WA 56,445)

270. The formulation "proves ... and yet it is not for this reason that" is taken from Gerrish, op. cit., p. 127. Cf. also LR, p. 330f: "For it is not our proving that makes the will of God good, acceptable, and perfect, but in our proving we recognize that it is so." (WA 56,450)

The Principle of Ecclesiastical Authority

In his early lectures Luther makes no conscious effort to offer a programme of definite measures to be taken in the church reform in which all Christians were to be engaged at that time. But there is a basic principle of ecclesiastical authority implicit in the concept of the congregation gathered by the Holy Spirit for the glorification of Christ. To make that explicit is the purpose of this part of our study. We might call it - to use a term employed by Karl Barth - an "original law" (Grundrecht) of the church.[271] While it is not a detailed definite church polity, it is the fundamental ordering principle which stands behind the various polities on church organization and serves as a criterion in the question whether these empirical organizational forms indeed are polities of the church of Christ or of something else, and why. To deny the existence of such a basic "church order" in Luther renders Luther defenseless before the charge of arbitrary subjectivism, for this is the charge which with necessity must rise out of those Luther interpretations which limit themselves to the demonstration that Luther did not need a principle of authority because he knew what he was doing with the papalists and sectarians alike since he had the gospel and the others did not. To deny the existence of this basic principle also means to suppress an evidence which is simply there and which is needed in the ecumenical encounter today for an understanding of Luther's contribution. Nor should it be surprising that there is such a basic principle. It is only natural that Luther applies the principle of Christ's sole mediatorship to the form in which decisions are to be made by the congregation of Christ.

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271. KD IV, 2, p. 770

The fundamental principle of ecclesiastical authority is for Luther built-in in the Christ-event itself. It is contained in the relation which exists between the congregation and Jesus Christ, the sole Mediator between God and man. Luther himself defines it in a very simple manner: "For he leads us, and we can only make response to him from beginning to end."[272] This is, so to speak, the basic Magna Charta of the One, Holy, Catholic, and Apostolic Church which applies to all the churches everywhere and at all times. It is not the church which, in order to satisfy her own needs, calls for and produces the Christ-event. It is rather the other way around: It is the Christ-event, the glorification of the Son of God through the testimony of the Holy Spirit, which calls for and creates the visible gathering of the congregation. This sequence is one not only in time. It is the relation of a first and a second which also provides the order in which things have to run in the church in order to run correctly, i.e. in order to correspond to the reality of the church as a creation of the Holy Spirit. Furthermore, this fundamental order of the church's relation to her Lord does not remain in the sphere of the invisible alone. It separates the church from the world and therefore becomes visible, audible, - public.[273] While the unifying force of the church, Christ's leading, remains hidden to the world, the response of the congregation to the present Lord is public. It can be seen and heard by everyone.

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272. LR, p. 181 (WA 56,324)

273. For the sharp distinction which Luther sets between the fellowship of the church and that of other human associations cf. WA 4, 400, 31ff: "This can in no wise happen in earthly societies. For in no society do people all use the same bread and wine, food, clothing, money, fam-

WHAT UNITES THE CHURCH AND SEPARATES HER FROM THE WORLD IS THUS NOT THE OWNERSHIP OF A DISTINCT POSSESSION. SHE HAS NOTHING WHICH SHE CAN EITHER LIBERALLY DISTRIBUTE OR WITHHOLD AT WILL. THE UNITY WHICH SHE "POSSESSES" IS NOTHING BUT A VACUUM, HER LACK OF SELF-SUFFICIENCY AND HER TOTAL DEPENDENCE UPON CHRIST. PRECISELY THIS VACUUM IS WHAT MAKES HER A PUBLIC WITNESS IN THE WORLD TO THE SOLE MEDIATORSHIP OF CHRIST. IT CANNOT BE FILLED BUT THROUGH THE PRESENCE OF THAT LORD WHO COMES TO THE BELIEVERS IN THE ONE BREAD, THE ONE CHALICE, AND THE ONE FAITH. BUT SINCE HER PLENITUDE IS OUTSIDE HERSELF - ALWAYS IN THE COMING, NEVER IN SECURE POSSESSION - THE CHURCH ALWAYS POINTS BEYOND HERSELF TO THE LIVING LORD AND, BY SO DOING, BECOMES HIS WITNESS IN THE WORLD.

> "THEREFORE THE CHURCH'S ENTIRE PRAISE ... BELONGS TO CHRIST WHO DWELLS IN IT THROUGH FAITH ... SHE ALWAYS SEEKS, ALWAYS DESIRES, AND ALWAYS PRAISES THE BRIDEGROOM. THUS SHE SHOWS CLEARLY THAT SHE IS INWARDLY EMPTY AND BARE AND THAT HER FULNESS AND RIGHTEOUSNESS ARE OUTSIDE OF HER." 274

ILY, HOUSE, FIELD, POWER, AND HONOR, BUT ALL THIS IS DISTRIBUTED TO MANY AND IT BECOMES AND IS MANY DIFFERENT THINGS. IT IS THEREFORE NOT THEIR PARTICIPATION IN ONE AND THE SAME THING, BUT ONE IN MANY AND DIVERSE THINGS. FOR THUS IS THE NATURE OF TEMPORAL MATTERS THAT TWO CANNOT AT THE SAME TIME USE AND ENJOY ONE AND THE SAME THING. ... BUT IF WE ARE CITIZENS OF THIS SOCIETY, SEE THERE IS ONLY ONE BREAD, ONE FAITH, ONE LORD, AND EVERYTHING IS FOR US ONE THING. BUT CHRIST IS EVERYTHING IN US. ... FOR WHEN CHRIST IS SUFFICIENT TO ALL, HE IS OUR ONE AND THE SAME THING, AND DRAWS ALL TO HIMSELF AND MAKES THEM ONE." ("HOC NON IN TERRENIS CIVITATIBUS FIERI POTEST ULLO MODO. QUIA NULLIUS CIVITATIS HOMINES EODEM PANE ET VINO, VICTU, AMICTU, PECUNIA, FAMILIA, DOMO, AGRO, POTESTATE, HONORE UTUNTUR, SED HEC OMNIA DIVIDUNTUR IN MULTOS ET FIUNT SUNTQUE MULTA. EST ITAQUE PARTICIPATIO EORUM NON IN IDIPSUM, SED IN MULTA ET DIVERSA. SIC ENIM EST NATURA TEMPORALIUM, QUOD UNO EODEMQUE NON POSSINT DUO SIMUL UTI VEL FRUI. ... NOS AUTEM SI CIVES SUMUS HUIUS CIVITATIS, ECCE UNUS PANIS, UNUS CALIX, UNA FIDES, UNUS DOMINUS, OMNIAQUE SUNT NOBIS UNUM. OMNIA AUTEM CHRISTUS IN NOBIS. ... CUM ENIM CHRISTUS OMNIBUS SUFFICIAT, IPSE IDIPSUM ET UNUM NOSTRUM OMNES AD SE TRAHIT ET UNUM FACIT."

274. LR, P. 134 (WA 56,279)

It is of course an open question whether in a given moment the community of believers will indeed behave as a group which is aware of its total insufficiency and want. Obviously this is not the point which Luther wants to make here. The confession of the complete dependence of the church on her Lord does not describe the nature of the decisions and actions which are actually taken in the empirical church. It provides Luther with a criterion by which the decisions both of the church and her members can be legitimately tested. Certainly it is not an ultimate criterion which would permit passing final judgment on the church and her members. In Luther's view there is no man who possesses the criterion for saying: "This is the true church of Christ, and that is not." This confession however permits the judgment to what degree the decisions made in the church are faithful to the confession of Christ's Lordship, - to what degree her actions agree with her words. While it is only a relative judgment that can be made through the application of this criterion, as a witness to Christ the church must always be open for this test to everyone, and precisely for this reason she is a public church.

Although Luther does not yet speak out against the supremacy claimed for the papal office, there is a most peculiar absence of references to the authority of the pope or to that which the congregation in Rome is to have over other churches. Instead he speaks of a principle of authority which is maintained by the Roman Church and to which, in his understanding, this Roman Church has subjected herself. It is: "Only they preach safely who preach the gospel without defects that come from somewhere else [from outside the scripture]."[275] There is not much room in Luther's confessing church for

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275. LR, p. 297 (WA 56,423)

AN OFFICE OF UNIMPEACHABLE AUTHORITY. HUMAN AUTHORITY CANNOT BE EXERCISED EXCEPT BY SUBMISSION TO THE BASIC PRINCIPLE, WHICH CONSTITUTES THE CHURCH, OF THE MUTUAL COOPERATION BETWEEN THE HOLY SPIRIT WHO GATHERS THE CONGREGATION THROUGH THE GLORIFICATION OF JESUS AS THE CHRIST AND THE SON OF GOD WHO BECAME FLESH AND TOOK ON THE FORM OF A SERVANT. THUS THERE CAN BE FOR LUTHER NO HIGHER AUTHORITY THAN THE TESTIMONY OF THE HOLY SPIRIT TO JESUS CHRIST AS CONTAINED IN THE SCRIPTURE, OR CONVERSELY: THE SCRIPTURE WHOSE CENTER IS THE TESTIMONY OF THE HOLY SPIRIT TO JESUS CHRIST. ALTHOUGH LUTHER DOES NOT YET USE THE TERM "SOLA SCRIPTURA" AS A STANDARD FORMULA, THE ULTIMATE NORM FOR THE EXERCISE OF HUMAN AUTHORITY IN THE CHURCH IS THE PRINCIPLE OF "SOLA SCRIPTURA" ALREADY IN HIS EARLY LECTURES.

IN MAKING HER RESPONSE TO THE LEADING OF CHRIST, THE CONGREGATION IS BOUND TO THE DUAL AUTHORITY OF THE INNER AND OUTWARD WITNESS OF THE HOLY SPIRIT. BY ACCEPTING THE SCRIPTURAL WITNESS TO CHRIST AS THE NORM FOR HER OWN CONFESSION, THE CHURCH THUS SUBMITS HERSELF TO THIS DUAL AUTHORITY. MOREOVER, SHE DOES SO IN A PUBLIC MANNER, - BY PRESENTING WRITTEN EVIDENCE FOR HER ASSERTIONS.[276] LUTHER IS NOT A BIBLICIST HOWEVER. HE IS NOT SATISFIED WITH ONE ISOLATED PROOF TEXT. IN DEVELOPING SCRIPTURE AS THE NORM FOR ECCLESIASTICAL AUTHORITY, HE IS CONCERNED WITH THE PUBLIC CHARACTER WHICH THE CHURCH'S WITNESS MUST HAVE.[277] "NOT BY ONE BUT BY MANY", HE INSISTS; FOR ONLY BY PRESENTING THE MANY WRITTEN TESTIMONIES TO GOD'S ACTING IN CHRIST, THE CHURCH PROVES TO BE ONE OF SERVANTS. THE SAME RULE OF PLURALITY AS A

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276. LR, P. 297: "HE MUST ALSO SHOW WHERE IT WAS PROMISED EARLIER AND BY WHOM, AND THEN ALSO BY WHOM IT WAS TAUGHT, AND, FINALLY, IN WHAT SCRIPTURES IT IS TO BE FOUND SO AS TO PRODUCE ALSO WRITINGS AS WITNESSES." (ITALICS ARE MINE.) (WA 56,423)

277. IBID.

DEFENSE OF THE CHURCH'S SUBMISSION TO THE REIGN OF CHRIST BEGINS TO SHOW ITSELF ALSO IN THE BALANCE OF POWER WHICH LUTHER WANTS TO SEE ESTABLISHED AMONG THE DIFFERENT MEMBERS OF THE CONGREGATION. ALL SHARE IN THE CONSTANT OBLIGATION TO TEST THE PUBLIC CONFESSION OF THE CHURCH TO MAKE SURE THAT THE PREACHER SPEAKS "ONLY WHAT IS COMMANDED TO HIM AND NOT WHAT HE LIKES OR HAS INVENTED."[278]

LUTHER'S PRINCIPLE OF ECCLESIASTICAL AUTHORITY IS THUS A DUAL PRINCIPLE WHICH SPLITS HUMAN AUTHORITY IN THE CHURCH AND THUS LIMITS ITS EXERCISE. IT SEEKS TO DEFEND THE UNITY OF THE CHURCH THROUGH THE GUARD OF PLURALITY. AT THE SAME TIME IT SEEKS TO FIND IN THE PLURALITY OF DIFFERENT WITNESSES THE BASIC UNITY WHICH IS ESTABLISHED BY THE MEDIATION OF JESUS CHRIST. IT CAN BE APPLIED ONLY IN A NEGATIVE MANNER; FOR IT DOES NOT PERMIT JUDGING WITH CLARITY ONE EMPIRICAL GROUP OF BELIEVERS AS THE TRUE CHURCH OF CHRIST AND THE OTHER GROUP AS BEING SEPARATED FROM CHRIST. HOWEVER IT DOES MAKE POSSIBLE THE CHECKING OF CERTAIN ABUSES. IT IS NOT A CONSTRUCTING PRINCIPLE WHICH PERMITS SAYING WITH ABSOLUTE AUTHORITY: "YOU MUST DO THIS!" IT IS A PROTECTING PRINCIPLE WHICH PERMITS POINTING OUT: "WHERE THIS OR THAT HAPPENS, THERE THE CHRIST WHO IS PROCLAIMED AND BELIEVED TO BE PRESENT IS NOT THE CHRIST OF SCRIPTURE, OR IS NOT THE CHRIST GLORIFIED BY THE HOLY SPIRIT." BUT PRECISELY THROUGH THIS SELF-RESTRAINT IT RECOGNIZES AND GIVES WITNESS TO THE EFFECTIVE POWER WITH WHICH THE PRESENT LORD EXTENDS HIS REIGN.

> "CONSEQUENTLY CHRIST DOES NOT WANT FOR HIS REIGN TO REST UPON POWER AND VIOLENCE, - FOR THEN IT WOULD NOT STAND AT ALL - BUT ON THE WILL AND ON THE MIND AND THE DESIRE TO BE IN BONDAGE TO HIM. FOR THUS HIS REIGN IS ETERNAL AND IS NOT CORRUPTED BECAUSE IT DOES NOT DEPEND ON POWER." 279

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278. IBID.

279. WA 3, 17, 35: "... IGITUR CHRISTUS NON VULT VI ET VIOLENTIA SUUM REGNUM CONSTARE, QUIA TUNC NON CONSTARET, SED VOLUNTATE ET EX ANIMO ET AFFECTU

Luther's principle for the exercise of human authority in the church does not abolish investigations probing into the decisions, actions, and doctrines by which the churches confess to live under Christ's reign. It demands "heresy trials", however only if these are understood as a mutual probing into one another's confessions. To be sure, in the empirical situation such investigations are bound to lead not only to the discovery of the common consensus to be found in Christ, but also into those painful situations in which one can no longer recognize in the words of the other a legitimate confession of Christ's authority, and in which truthfulness to one's own confession may demand a separation from the other. In other words, Luther's split principle of authority is not a panacea. It does not liberate the church from the human weakness under which Christ's reign is now still hidden. Precisely for this reason it can be identified as a direct result of Luther's theology which finds its center in the person and work of Jesus Christ as the sole mediator between God and man.

For our further study of Luther's way in the following years it should be noted here that this fundamental principle of ecclesiastical authority, which we have found to exist already in the lectures on Psalms and Romans, is precisely the one which contemporary Luther research defines as the central core in all of Luther's writings. In his systematic investigation Doctrine and Church in Luther, Steck summarizes the concept of authority which he finds throughout the entire work of the reformer in a manner which fully agrees with our findings in the young Luther:

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sibi serviri. Sic enim regnum eius eternum et quod non corrumpetur, quia non in vi nititur." Cf. WA 3,259,26: "For not in power but in love Christ's reign took its beginning and still stands and perseveres". ("quia non in violentia, sed in amore regnum Christi incepit et stat et perseverat.")

"The sovereignty of scripture exists then in that they who pass on scripture through their hearing and teaching are not granted by scripture an authority of their own which could be defined as an independent office of teaching, judging, and deciding. The biblical author, not unlike the preacher and teacher of the church, can only be witness, pupil, and confessor, only a 'slave and servant, not the Lord Himself. He is guide and leader to the true light, not the light itself', as is said of John the Baptist who is the original figure of the biblical witness." 280

It is a question open to debate to what degree Luther was at that time aware of how far he had moved away from the principle of ecclesiastical authority which since the Gregorian reforms in the eleventh and twelfth centuries had been generally accepted, and which the council of Constance had, through the public condemnation of John Hus, manifestly refused to reform, in spite of whatever good will this council might otherwise have shown toward another church reform. In his early lectures Luther, at least, shows no interest in being engaged in a direct confrontation with the view on church authority for which Peter Lombard had formulated the dogmatic definitions and Franciscus Gratianus had devised a legally enforceable instrument.

According to the concept which had generally guided the Christian ministry during the four hundred years before Luther, there is in the church, the

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280. Karl Gerhard Steck: Lehre und Kirche bei Luther, Kaiser Verlag, Muenchen, 1963, p. 63: "Die Herrschaft der Schrift besteht also darin, dass sie denen, die sie weitergeben im Hoeren und Lehren, keine eigene Autoritaet laesst, die sich als selbstaendiges Lehr-, Richter- und Entscheidungsamt bezeichnen liesse. Der biblische Autor nicht anders als der kirchliche Prediger und Lehrer kann nur Zeuge, Schueler und Bekenner sein, nur 'ein Knecht und Diener, nicht der Herr selber. Er ist der Anweiser und Fuehrer zum wahren Licht, nicht das Licht selber', wie es von Johannes d. Taeufer als der Grundgestalt des biblischen Zeugen heisst." Cf. p. 168: "... scripture is lord over and in the church and her proclamation, but only as testimony and witness to Christ who remains the Lord even of its unity ... Thus the unity of scripture remains in the hand of Christ and in the freedom of the spirit and its illumination." ("... die Schrift zwar Herr ueber und in der Kirche und ihrer Verkuendigung ist, aber doch nur als Zeugnis und Zeugin von Christus, der der Herr, auch ihrer Einheit, bleibt ... So bleibt die Einheit der Schrift in der Hand Christi und in der Freiheit des Geistes und seiner Erleuchtung.")

BODY OF CHRIST, A NORM BY WHICH THE RIGHT OR WRONG OF ANY DECISION THAT IS MADE IN THE CHURCH IS TO BE JUDGED. IT IS A NORM WHICH MUST RULE EVEN OVER THE USE OF SCRIPTURE AND THE ADMINISTRATION OF THE SACRAMENTS. THIS IS THE RULE OF LOVE. SO FAR THIS INTERPRETATION IS HARDLY REVOLUTIONARY. ITS SPECIAL SIGNIFICANCE FOR THE CHURCH IN THE LATE MIDDLE AGES LAY IN THE FACT HOWEVER THAT LOVE IS HERE IDENTIFIED AS THE UNITY OF THE CHURCH WHICH AS A SPECIAL POSSESSION OF THE CHURCH WORKS WITH A FORCE OF ITS OWN, NOT ONLY INDEPENDENT FROM SCRIPTURE AND THE SACRAMENTS BUT ALSO GUIDING THE RIGHT USE OF SCRIPTURE AND THE SACRAMENTS. THIS UNDERSTANDING PROVED TO BE PARTICULARLY USEFUL IN THE DETERMINATION OF HERESY SINCE IT PERMITTED DEFINING HERESY AS THAT WRONG USE OF SCRIPTURE WHICH WAS DIRECTED AGAINST THE UNITY OF THE CHURCH. IN HIS COMMENTARY ON PSALM 21 PETER LOMBARD WRITES:

> "THE VESTMENTS OF CHRIST THEREFORE ARE HELD TO BE THE SCRIPTURES OR SACRAMENTS OF THE CHURCH; THE UNSEWN ROBE OVER WHICH THE LOT WAS CAST IS UNDERSTOOD TO BE LOVE OR THE UNITY OF THE CHURCH; ... IT WAS POSSIBLE THUS FOR THE HERESIES TO DIVIDE HIS SACRAMENTS AND SCRIPTURES; BUT NOT THE ROBE ON TOP OF THEM; I.E. ALTOGETHER WOVEN OF ONE PIECE. THIS IS THE LOVE OR UNITY OF THE CATHOLIC CHURCH WHICH NOBODY CAN DIVIDE."281

THERE COULD BE NO DOUBT THAT THE UNITY OF THE CHURCH WAS VISIBLY REPRESENTED BY THE CHURCH HIERARCHY WHICH GRATIANUS AT THE SAME TIME FORMED INTO "THE UNSEWN ROBE" OF A TIGHT ORGANIZATIONAL INSTITUTION, "ALTOGETHER WOVEN OF ONE PIECE".

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281. PATROLOGIAE CURSUS COMPLETUS, SERIES LATINA, ED. BY J.P. MIGNE, PARIS, 1844FF, VOL. 191, P. 235AB: "PER VESTIMENTA ENIM CHRISTI SCRIPTURAE VEL SACRAMENTA ECCLESIAE ACCIPIUNTUR; PER TUNICAM INCONSUTILEM, SUPER QUAM MISSA FUIT SORS, CHARITAS VEL UNITAS ECCLESIAE INTELLIGITUR; ... SACRAMENTA ENIM ILLIUS ET SCRIPTURAE POTUERUNT DIVIDI PER HAERESES; SED NON TUNICA DESUPER, ID EST ADEO PER TOTUM CONTEXTA. HAEC EST CHARITAS VEL UNITAS CATHOLICAE ECCLESIAE, QUAM NEMO POTEST DIVIDERE."

"No one is to be elected bishop unless he has been found to live in a religious manner in the holy orders. But holy orders we call the deaconate and the priesthood. ... subdeacons however are permitted by us in case of emergency to care for a church even by themselves provided that they are of proven religion and knowledge. To be made such a one is not permitted by us except with the license of the Roman Pontiff or of the archbishop." 282

The sinister implication was of course that with this definition any attack on the hierarchical unity of the church could be interpreted as a lack of love - a charge against which there is no public defense possible as the case of Hus demonstrated; for there the rule applies: "Qui s'excuse, s'accuse."

In spite of the enormous advances which Roman Catholicism of our days is making in a redefinition - or as the official jargon wants it, in a "fuller development" - of the office of papal supremacy, it must be remembered in the ecumenical dialogue that the concept of the basic hierarchical structure of the church which as a special possession of hers fulfills the function of the basic unitive principle in the church has not become weaker through the pronouncements of the Second Vatican Council. If anything, it has become stronger. 283 One of the most advanced Roman Catholic theologians today writes:

"But the Church also has a power which is strictly her own, the power of order or power of sanctification. This power gives to the Church the commission and the authority to continue the redemptive work of Christ and to transmit to every soul the benefit of Christ's suffering through faith and the sacraments of faith." 284

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282. Franciscanus Gratianus: "Concordia discordantium canonum", pars I, dist. 60 in Migne, op. cit., vol. 187, p. 317 A: "Nullus in episcopum eligatur, nisi in sacris ordinibus religiose vivens fuerit inventus. Sacros autem ordines dicimus diaconatum et presbyteratum. ... subdiaconos vero, quia et sibi altaribus ministrant, opportunitate exigente concedimus, si tamen spectatae sint religionis et scientiae. Quod ipsum non sine Romani Pontificis vel metropolitani licentia fieri permittimus."

283. Cf. "Constitutio Dogmatica de Ecclesia", op. cit., cap. III, art. 18-29, pp. 38ff

284. Yves M.-J. Congar: Sainte Église, les Éditions du cerf, Paris, 1963, p. 211: "Mais l'Église a aussi un pouvoir qui lui est rigoureusement

The Ministry of the Congregation

In the young Luther there is no discussion to be found on the hierarchical order as a unitive power of the church. Luther admits "there are as many tabernacles of God in the church as there are many differences in positions and offices or orders, such as the order of cardinals, bishops, doctors, etc."[285] He also demands "under the prelate and in unity of the churches [note the plural!] good works are to be done, not in sects, heresies, and superstitions."[286] But he proves himself incapable of presenting these orders in an orderly fashion. The "superiors and prelates"[287], the "bishops and doctors"[288], the "prelates and leaders and protectors"[289], appear in such a loose connection one with another that even with the best will they cannot be identified as a clearly established institutional order. On the other hand, obedience to the superiors is demanded in order to press home the point of the need for personal humility on the part of his hearers. "For none can be just without being obedient."[290] But more often than not

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propre, le pouvoir d'ordre ou pouvoir de sanctification. Ce pouvoir donne à l'Église la charge et l'autorité de continuer l'oeuvre rédemptrice du Christ et de transmettre à chaque âme le bénéfice de la Passion du Christ par la foi et les sacrements de la foi." Cf. supra, p.2,note 3

285. WA 3, 244, 28: "Tot enim sunt tabernacula dei in Ecclesia, quot differentie statuum et officiorum seu ordinum, ut ordo Cardinalium, Episcoporum, Doctorum, etc."

286. WA 4, 186, 23: "Sub prelato et in unitate Ecclesiarum opera bona fieri debent, non in sectis, heresibus, superstitionibus, ..."

287. WA 3, 405, 24: "superioribus et prelatis"

288. WA 4, 359, 21: "episcopi et doctores"

289. WA 4, 68, 25: "prelati et directores et protectores"

290. WA 4, 405, 24: "Nullus enim est iustus nisi obediens." Cf. WA 4,186,23

Luther uses, already in the lecture on Psalms, the reference to the hierarchy as an illustration not of the church's unity but of her disunity. As a result he often launches then an unbridled attack on the complete inefficiency of these church leaders:

> "They are the loins of Christ, out of which He begets His sons, - namely the bishops, priests, and doctors. Not only are they full now with the illusions of a fleshly passion - fornicators and holders of concubines - but also they drift toward the holy and true seed with notions and fables and mere conjectures, in suggestions only. The true seed, therefore, they do not preach, neither with true desire nor with usefulness. But they preach the appearances of notions and questions and gassings." 291

In the entire church administration - of the sacraments, of God's Word, of the legal power, jurisdiction, etc. - things happen "about which the Lord is more angry than about the blasphemies of the Turks". 292 The one charge which he particularly likes to level against them is their alleged attempt to defend the church through the employment of the secular powers and to rule more extensively than kings and princes as a result. 293

> "Consequently as in our times the church is established, enriched, and honored according to secular standards, ... God has dissipated their bones, and they are confused, and He has despised them so that they are insecure before God, thrown down before God, and God threw away their heritage and reduced Israel to nothing." 294

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291. WA 3, 216, 24: "Lumbi Christi sunt, ex quibus generat filios suos, id est episcopi, sacerdotes, doctores. Hii nunc non tantum carnalis morbi illusionibus pleni sunt, fornicarii concubinariique, sed et opinionibus et fabulis merisque coniecturis fluunt pro semine sancto et vero in suggestis. Non enim verum semen predicant neq vero affectu vel usu, sed larvas opinionum et questionum et nugarum."

292. WA 3, 509, 26: "In istis talia fiunt in Ecclesia, que dominus multo egrius fert, quam Turcorum blasphemias." Cf. WA 3, 423, 1

293. Cf. WA 3, 356, 12; 150, 31; 360, 34; 442, 10; WA 4, 42, 33

294. WA 3, 392, 13: "Cum igitur nostro tempore ecclesia firmata sit, ditata et honorata secundum seculum, ... deus dissipaverit ossa eorum et confusi sint et spreverit eos, ita ut sint infirmi coram deo, abiecti coram deo, et deus hereditatem suam sprevit et ad nihilum redegit Israel."

In the manner of an Old Testament prophet Luther thus thunders against the church in his days. Unfortunately his critique keeps itself in such general terms, however, that it does not become clear who or what is the particular cause for all that thunder. But it is obvious that for Luther there is not much reason in basing the hopes for a church reform on the established institution of the hierarchy. At the same time Luther is not unaware of the fact that all the admonitions will not have any effect. Preaching will not do the trick either, he frankly admits:

> "It is certainly strange to see to what an extent the 'good intention' is at work here: It imagines that by preaching it can produce heavens knows how much fruit, though, in the first place, it may be untrained, and secondly, trained but not called, and thirdly, trained but not provided with the gift of grace." 295

The dual principle of ecclesiastical authority points Luther into a different direction. The right form has already been provided for the concrete tasks and functions in the church. It is contained in the office of Christ as the sole mediator. Since it is the Lord Himself who is actively present in His congregation, the differences in rank and position have become meaningless among her members. To Him belongs the only office which is permanently established in the church. All the other church offices can be nothing but functions which are always granted by Him and can be taken away by Him at any time. But "all believers are, through Christ the Priest, priests and kings." 296 This is not an isolated occasional statement. Already in the lectures on Psalms and Romans Luther presents the idea of the

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295. LR, p. 335 (WA 56,454)

296. WA 4, 224, 21: "...omnes fideles per Christum sacerdotem sunt sacerdotes et regni ..." Cf. LR, p. 351: "Today we understand the 'saints' to be the blessed ones who have been glorified; the apostle, however, and indeed the whole Scripture, call 'saints' all who believe in Christ." (WA 56,469)

"PRIESTHOOD OF ALL BELIEVERS" AS A FULLY DEVELOPED SYSTEMATIC CONCEPT. THE SUCCESSION OF THE EPISCOPATE HAS BEEN GIVEN UP AND WITH IT THE VISIBLE HISTORICAL CONTINUITY WHICH WAS HELD TO BE PRESERVED BY IT. INSTEAD LUTHER INTRODUCES A "SUCCESSION OF BELIEVERS".[297] THE RESPONSES OF THE CONGREGATION TO CHRIST'S REIGN DO NOT FORM A CONSISTENT PATTERN WHICH CAN BE PRESENTED AS A CONTINUOUS SACRED HISTORY. THEY ARE A SERIES OF APPARENTLY DISCONNECTED WITNESSES WHICH HOWEVER ALL POINT TO THE HIDDEN CENTER OF THIS HISTORY, THE ACTIVE PRESENCE OF CHRIST. YET THE CONGREGATION ITSELF EXISTS IN A PROCESS OF CONSTANTLY BEING NEWLY CREATED AND CONSTANTLY BEING CHANGED. "FOR THE CHURCH IS ALWAYS BORN AND ALWAYS CHANGED IN A SUCCESSION OF BELIEVERS. THE CHURCH IS ONCE THIS AND ONCE THAT AND ALWAYS THE SAME."[298]

LUTHER DOES NOT HESITATE TO DRAW THE CONSEQUENCES FROM HIS UNDERSTANDING OF THE COMMON PRIESTHOOD OF ALL BELIEVERS IN HIS EVALUATION OF THE DOCTRINAL AND LITURGICAL TRADITIONS OF HIS CHURCH. HIS BASIC ATTITUDE IS THE SAME AS IT WAS WITH THE MASSES OF "TRAVELLERS" IN THE CHURCH, THE NOMINAL CHRISTIANS.[299] ALTHOUGH THEY ARE NOT NECESSARY FOR THE EXISTENCE OF THE CHURCH, THEY MUST BE TOLERATED. TO REJECT THEM WITHOUT ADEQUATE REASON WOULD BE EQUAL TO A USURPATION OF CHRIST'S HIDDEN REIGN BY MAN. THUS LUTHER IS PERFECTLY WILLING TO PUT UP WITH ORGANS, ALTAR DECORATIONS, CHALICES, PICTURES, ORNAMENTS, FEAST DAYS, CLERICAL VESTMENTS, AND THE DISTINCTIONS OF CLERICAL

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297. WA 4, 165, 16: "... HE JUSTIFIES THEM SO THAT THEY ARE 'THE SONS OF SONS' THROUGH THE SUCCESSIONS [NOTE THE PLURAL!] OF BELIEVERS IN THE CHURCH." ("... EOS IUSTIFICAT 'IN FILIOS FILIORUM' PER SUCCESSIONES FIDELIUM IN ECCLESIA."

298. WA 4, 169, 30: "... QUIA ECCLESIA SEMPER NASCITUR ET SEMPER MUTATUR IN SUCCESSIONE FIDELIUM, ALIA ET ALIA EST ECCLESIA ET TAMEN SEMPER EADEM."

299. CF. SUPRA, P. 107

RANK, "ALL THESE THINGS", HE SAYS, "ARE MERE SHADOWS AND TOKENS OF REALITY; INDEED, THEY ARE CHILDISH THINGS."[300] BUT AS IT IS FOOLISH "TO REGARD THESE THINGS AS SO WEIGHTY THAT ONE MADE SALVATION DEPENDENT UPON THEM",[301] SO IT IS FOOLISH TO MAKE SALVATION DEPENDENT UPON THEIR ABOLITION. IN OTHER WORDS LUTHER APPLIES TO THE LITURGICAL TRADITION OF THE CHURCH SIMPLY THE RULE WHICH PAUL HAD ONCE ESTABLISHED CONCERNING THE EATING OF "FOOD OFFERED TO IDOLS".[302] IT IS SENSELESS THEREFORE TO INSIST "THAT IT IS NECESSARY FOR SALVATION THAT THEY ABSTAIN FROM THE FOOD OF THE GENTILES".[303] LUTHER'S VIEW ON THE ENTIRE PROBLEM OF THE HISTORICAL TRADITIONS IN THE CHURCH IS WELL SUMMED UP IN THE STATEMENT:

> "WHAT HAS BEEN IMPOSED UPON US BY THE ANCIENT CONSENSUS OF THE WHOLE CHURCH AND FROM THE LOVE OF GOD AND FOR ADEQUATE REASONS MUST CERTAINLY BE KEPT, NOT BECAUSE ANY OF IT IS NECESSARY AND UNCHANGEABLE BUT BECAUSE THE OBEDIENCE IS NECESSARY WHICH FOR LOVE'S SAKE WE OWE TO GOD AND THE CHURCH." [304]

IT IS ONLY WITH THE SOVEREIGNTY OF A DEEP-SEATED IRONY THAT LUTHER ACCEPTS THUS THE HISTORICALLY GROWN FORMS OF THE CHRISTIAN MINISTRY. THIS IS OFTEN OVERLOOKED BY THOSE DISCUSSIONS OF THE MINISTRY WHICH EMPHASIZE THE CONSERVATIVE TENDENCY AS A CHARACTERISTIC OF THE LUTHERAN REFORMATION. PETER BRUNNER, FOR EXAMPLE, UNDERSTANDS THE ORDINATION OF NIKOLAUS VON AMSDORF IN 1542 AS A VALID RECOGNITION OF THE "EPISCOPAL CONSTITUTION OF THE CHURCH WHICH HAD BECOME HISTORICAL".[305] BY MAKING A DISTINCTION - AND ONE NOT VERY

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300. LR 381 (WA 56,494)

301. LR 383 (WA 56,496)

302. I. COR. 10:19

303. LR 382 (WA 56,495)

304. LR 384 (WA 56,496)

305. BRUNNER, OP. CIT., P. 11: "... DIE GESCHICHTLICH GEWORDENE BISCHOEFLICHE VERFASSUNG DER KIRCHE ..."

WELL DEFINED - BETWEEN "NEUGESTALTUNG" (NEW FORM) AND "NEUKONSTRUKTION" (NEW CONSTRUCTION), BRUNNER CONCLUDES:

> "THIS NEW FORM SHOULD NOT BE AN UNHISTORICAL NEW CONSTRUCTION. THE TENDENCY TO BEING CONSERVATIVE IN MANY RESPECTS, WHICH IS CHARACTERISTIC FOR THE LUTHERAN REFORMATION, CAN ALSO BE OBSERVED IN THE FIELD OF CHURCH LAW AND OF CHURCH ORDER." 306

BRUNNER MAY BE RIGHT WITH REGARD TO A GENERAL FORM OF LUTHERANISM. BUT LUTHER HIMSELF SHARED WITH HIS FELLOW-LUTHERANS THIS CONSERVATIVE TENDENCY ONLY BY MAINTAINING MANY PERSONAL RESERVATIONS. HE COULD NEVER SPEAK ABOUT THE HISTORICALLY GROWN REALITY WITHOUT PUTTING ON THE FOOL'S CAP FIRST. THROUGHOUT HIS LIFE HE COULD NOT RID HIMSELF OF THE THOUGHT THAT HISTORY IS NOTHING BUT GOD'S WAY OF PLAYING CAT AND MOUSE WITH MAN'S FOOLISH STRIFE FOR POWER AND GLORY. IN 1524 HE SET FORTH THIS CONCEPT OF HISTORY IN THE SAME IRONICAL MANNER WHICH CAN BE OBSERVED IN HIS COMMENTS ON THE TRADITION OF THE CHRISTIAN MINISTRY IN THE LECTURE ON ROMANS:

> "AND ALL THEIR GLORY IS NOTHING BUT A PLAY OF GOD WHO HAS LET THEM COME UP A LITTLE AND THEN ALWAYS KNOCKS THEM DOWN ONE AFTER ANOTHER. AND JUST AS THEY THROUGH HUMAN WITS AND ARROGANCE HAVE QUICKLY GONE UP, THEY HAVE FALLEN DOWN AGAIN EVEN MUCH QUICKER YET." 307

LUTHER'S VIEW ON THE VALUE OF HISTORICAL TRADITIONS THEREFORE SEEMS TO BE MUCH MORE ADEQUATELY EXPRESSED BY LOEWITH'S INTERPRETATION OF THE "MEANING OF HISTORY":

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306. IBID.: "DIESE NEUGESTALTUNG SOLLTE KEINE UNGESCHICHTLICHE NEUKONSTRUKTION SEIN. DER IN VIELER HINSICHT KONSERVATIVE ZUG, DER FUER DIE LUTHERISCHE REFORMATION KENNZEICHNEND IST, MACHT SICH AUCH AUF DEM GEBIET DES KIRCHENRECHTS UND DER KIRCHLICHEN ORDNUNG BEMERKBAR."

307. LUTHER'S INTERPRETATION OF PSALM 127 FOR THE CHRISTIANS IN LIVONIA IN WA 15, 370, 26FF: "UND IST ALLER YHR PRACHT NICHT ANDERS DENN EYN SPIEL GOTTES, DER SIE HAT LASSEN EYN WENIG AUFFGEHEN UND YMER EYNS NACH DEM ANDERN UMB GESTOSSEN. UND WIE SIE KURTZ DURCH MENSCHEN WITZE UND VERMESSENHEYT SIND AUFFGESTIGEN, SO SIND SIE AUCH NOCH VIEL SCHNELLER WIDDER NYDDER GEFALLEN."

"THE CHRISTIAN TIMES ARE CHRISTIAN ONLY IN SO FAR AS THEY ARE THE LAST TIME. AND, SINCE THE KINGDOM OF GOD IS NOT TO BE REALIZED IN A CONTINUOUS PROCESS OF HISTORICAL DEVELOPMENTS, THE ESCHATOLOGICAL HISTORY OF SALVATION ALSO CANNOT IMPART A NEW AND PROGRESSIVE MEANING TO THE HISTORY OF THE WORLD, WHICH IS FULFILLED BY HAVING REACHED ITS TERM. THE 'MEANING' OF THE HISTORY OF THIS WORLD IS FULFILLED AGAINST ITSELF, BECAUSE THE STORY OF SALVATION, AS EMBODIED IN JESUS CHRIST, REDEEMS AND DISMANTLES, AS IT WERE, THE HOPELESS HISTORY OF THE WORLD."[308]

ACCORDING TO LUTHER THE OFFICES OF THE CHURCH ARE NOT TAKEN OUT OF THAT PARTICULAR PROCESS IN WHICH CHRIST THROUGH HIS ACTIVE PRESENCE CONSTANTLY RECREATES AND CHANGES HIS CONGREGATION. "THE CHURCH IS A LIVING BODY IN WHICH ALL SHARE IN EVERYTHING",[309] BECAUSE THE LORD IS PRESENT IN HER MIDST. THEREFORE ALL SHARE IN THE PRINCIPAL FUNCTION HIS CONGREGATION HAS TO PERFORM: TO BE A WITNESS IN THE WORLD TO CHRIST'S RULE. "FOR CONFESSION IS THE PRINCIPAL WORK OF FAITH ... FOR THEN HE [MAN] FORSAKES HIMSELF IN ORDER THAT GOD AND THE CONFESSION MAY STAND."[310] BUT THIS CONFESSION CANNOT SEPARATE ITSELF FROM THE DUAL AUTHORITY OF THE OUTWARD AND INTERNAL WORD OF THE HOLY SPIRIT WITHOUT LOSING ITS CHARACTER AS A RESPONSE. IT IS DEPENDENT UPON THE PUBLIC PREACHING, TEACHING, AND ADMINISTRATION OF THE SACRAMENTS JUST AS THE PUBLIC SERVICES OF THE CHURCH ARE DEPENDENT UPON THE INNER WITNESS WHICH THE HOLY SPIRIT GIVES TO THE INDIVIDUAL MEMBERS OF THE CONGREGATION. PRECISELY THE NEED FOR SUBJECTING THE PUBLIC PROCLAMATION TO THE TEST BY ALL MAKES IT NECESSARY THAT THE PUBLIC PROCLAMATION OF THE CONGREGATION IS DONE NOT BY

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308. KARL LOEWITH: MEANING IN HISTORY, CHICAGO, 1949, P. 197. CF. IBID, P. 196: "... A CHRISTIAN PHILOSOPHY OF HISTORY IS AN ARTIFICIAL COMPOUND. IN SO FAR AS IT IS REALLY CHRISTIAN, IT IS NO PHILOSOPHY BUT AN UNDERSTANDING OF HISTORICAL ACTION AND SUFFERING IN THE LIGHT OF THE CROSS ... AND IN SO FAR AS IT IS A PHILOSOPHY, IT IS NOT CHRISTIAN."

309. WA IV 289, 2: "... ECCLESIA EST VIVUM CORPUS, IN QUO PARTICIPANT OMNES OMNIBUS."

310. LR 294 (WA 56,419)

ALL BUT ONLY A FEW - BY MEN NAMELY WHO CAN BE HELD RESPONSIBLE FOR THEIR WORDS. THIS IS A CONCEPT OF CHRISTIAN MINISTRY WHICH IS RIGOROUSLY FUNCTIONAL - FUNCTIONAL IN THE SERVICE OF THE TESTIMONY WITH WHICH THE CHURCH CONFESSES JESUS CHRIST AS THE SOLE MEDIATOR BETWEEN GOD AND MAN. NEITHER THE COMMUNITY OF BELIEVERS NOR THE HOLDERS OF PUBLIC OFFICE POSSESS A POWER WHICH CAN EITHER BE DELEGATED BY ALL TO ONE OR BE TRANSMITTED THROUGH A HISTORICAL CHAIN OF OFFICE HOLDERS. "THE WHOLE SOURCE AND ORIGIN OF SALVATION, THEREFORE, IS IN THE SENDING GOD;" FOR IF PEOPLE PREACH WHO ARE NOT SENT BY GOD, "THE HEARERS DO NOT BELIEVE, THOSE WHO INVOKE GOD DO NOT CALL UPON HIM, AND THOSE WHO ARE TO BE SAVED ARE DAMNED." THE CONGREGATION MUST THEREFORE "SEE TO IT, BEFORE EVERYTHING ELSE, THAT A PREACHER IS SENT BY GOD AS JOHN WAS SENT."[311] THE COMMUNITY OF BELIEVERS AND THE PUBLIC MINISTER ARE THUS LOCKED TO EACH OTHER IN A MUTUAL DEPENDENCE THROUGH WHICH BOTH SIDES PROVE TO BE SERVANTS OF CHRIST, - WHO STANDS IN THE MIDST OF THEM AND MAKES THEM WITNESSES TO HIS SOLE MEDIATORSHIP. THE SINGULAR FUNCTION BY WHICH THE MINISTER IS THUS EXPOSED IN THE COMMUNITY IS ONE OF SERVICE RATHER THAN OF POWER. TO MAKE THIS POINT QUITE CLEAR, LUTHER BLUNTLY DEMANDS THE RESIGNATION OF THE MINISTER IF IT IS FOUND THAT HE DOES NOT SERVE ANY LONGER THE BENEFIT OF THE CONGREGATION OR BLOCKS IT BY HIS PERSON.[312]

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311. LR 296. PAUCK SOFTENS THE SPIRITUALISTIC IMPLICATIONS OF THE ORIGINAL TEXT BY TRANSLATING WA 56, 421, 24 "TOTA RADIX ET ORIGO SALUTIS EST IN DEO MITTENTE" (=IN THE SENDING GOD) WITH "THE WHOLE SOURCE AND ORIGIN OF SALVATION IS IN GOD'S SENDING" AND OMITTING IN THE TRANSLATION OF WA 56, 422, 10 "... OPORTET ADVERTERE, UT IS, QUI DOCET SIT A DEO MISSUS..." THE WORDS "BY GOD". HIS TRANSLATION THEREFORE DOES NOT POINT OUT AS CLEARLY AS THE ORIGINAL TEXT THAT THE PREACHER MUST CONSTANTLY BE SENT OUT BY GOD ANEW AND THUS PERMITS THE POSSIBILITY OF ESTABLISHING THE PREACHING OFFICE IN A PERMANENT DIVINE INSTITUTION.

312. LR 7: "... HE [THE PREACHER] MUST KNOW THAT BECAUSE EVERY OFFICE IS GIVEN ONLY FOR THE WELFARE OF THE SUBJECTS, HE MUST BE WILLING TO GIVE IT UP IF HE FINDS HE CANNOT ADMINISTER IT TO THE FURTHERANCE OF THE BENEFIT OF HIS SUBJECTS OR THAT HE BLOCKS IT BY HIS PERSON." (WA 56,161)

In recent years a controversy dating back to the last century has gained fresh impetus among several Lutherans. It deals with the problem of Luther's concept of the ministry as being either essentially "congregationalist" or "high church".[313] The question which has been raised is: Is the ministerial office just a derivative of the congregation, delegated upon one person by all? Or is the congregation a derivative of the ministerial office with no other function but to be the passive recipient of the ministerial acts, while the office is transmitted from one holder to the next? In this debate the first interpretation is usually referred to as that of a "democratic delegation", and the second one is called that of "divine institution". It does not fall within the scope of the present study to enter into this detailed discussion since we cannot admit the validity of this particular alternative. H. Lieberg comes to the valid conclusion that both lines can be found in Luther. However, "with him they do not run separate ways but are kept together by a higher principle."[314] As we have seen, it is the principle of

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313. Cf. Klaus Tuchel: "Luthers Auffassung vom geistlichen Amt" in Luther-Jahrbuch, Jahrgang 1958, Berlin, pp. 61-98; Wilhelm Brunotte: Das geistliche Amt bei Luther, Berlin, 1959; Prenter: "Die goettliche Einsetzung des Predigtamtes und das allgemeine Priestertum bei Luther", op. cit., pp. 321-332; Hellmut Lieberg: Amt und Ordination bei Luther und Melanchthon, Goettingen, 1962

314. Lieberg, op. cit., p. 237: "Die beiden Linien sind bei Luther vorhanden, ... sie laufen bei ihm nicht auseinander, sondern werden durch ein hoeheres Prinzip zusammengehalten." In view of the strong emphasis which Luther puts on the sending of the preacher by God, Prenter's interpretation is **onesided** in which he contends: "The office can do its work even if it is in the hands of an unbeliever, simply by virtue of its divine commission." (Prenter: "Die goettliche Einsetzung", op. cit., p. 330: "Auch wo es in die Haende eines Unglaeubigen faellt, wird es sein Werk ausrichten koennen allein auf Grund des goettlichen Befehls." - Cf. supra, p. 104, footnote 235) A discussion of this Lutheran debate from a reformed point of view is found in Otto Weber: Grundlagen der Dogmatik, Vol. II, Buchhandlung des Erziehungsverein, Neukirchen-Moers, 1962, pp. 628-635

CHRIST'S PRESENCE AS THE SOLE MEDIATOR WHICH KEEPS THE MANY LINES OF LUTHER'S THOUGHT TOGETHER.

THE ENTIRE CONGREGATION OF BELIEVERS THEREFORE LIVES FOR NO OTHER PURPOSE BUT TO GIVE EXPRESSION TO THE NEW LAW: "BEHOLD THERE IS CHRIST AND HIS SPIRIT!"[315] BUT LUTHER IS WELL AWARE THAT THIS "NEW LAW" CANNOT BE APPLIED AS A GENERAL LAW TO THE ENTIRE WORLD. NOT ONLY WOULD IT BE REJECTED BY THE WORLD BUT IT WOULD ALSO LOSE ITS NEWNESS, ITS NATURE AS A PERSONAL CONFESSION, IF IT WERE ENFORCED AS A PERMANENT LAW UPON ALL. THE MUTUAL DEPENDENCE OF THE CONGREGATION AND THE MINISTER UNDER THE RULE OF CHRIST APPLIES ONLY WHERE CHRIST IS PUBLICLY CONFESSED AND RECOGNIZED AS THE PRESENT LORD. IN THE WORLD, WHICH IS DETERMINED BY MAN'S SELF-JUSTIFICATION, SELF-GLORIFICATION, AND THE STRUGGLE FOR POWER, THERE IS NO EQUIVALENT CONTEXT WHICH WOULD PERMIT THE USE OF SCRIPTURE AS THE FINAL NORM FOR THE DECISIONS AND ACTIONS THAT NEED TO BE TAKEN. "ALL THIS", LUTHER ADMITS, "IS ADDRESSED ONLY TO THOSE WHO HAVE THE POWER TO ACT AND ARE RESPONSIBLE FOR THEMSELVES." BUT WHERE THIS IS NOT THE CASE, THE CHRISTIANS MUST BE READY "TO PASS JUDGMENT, TO EXERCISE POWER, AND TO IMPOSE PUNISHMENT." THESE, TOO, ARE IN LUTHER'S VIEW LEGITIMATE FUNCTIONS OF THE "AGENTS OF GOD".[316]

THE CONCEPT OF THE TEMPORAL RULERS AS "AGENTS OF GOD" WAS NO REVOLUTIONARY CHANGE. IN LUTHER'S TIMES IT WAS AN IDEA NOT ONLY COMMONLY HELD BUT ALSO QUITE FREELY PRACTISED, AS WE HAVE SEEN IN THE FIRST CHAPTER. BUT LUTHER COULD NOT SIMPLY ADOPT THE GENERAL OPINION ON THIS SUBJECT. THE CONCEPT OF THE COMMON PRIESTHOOD OF ALL BELIEVERS, WHILE IT LEADS LUTHER, ON THE ONE

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315. LR 199 (WA 56,338)

316. LR 331F (WA 56,451)

HAND, TO AN ABROGATION OF THE DIFFERENCE BETWEEN CLERGY AND LAITY IN THEIR SPIRITUAL RANK AS WELL AS TO AN ABROGATION OF THE DIFFERENCE BETWEEN SECULAR AND SPIRITUAL PROFESSIONS, PUTS HIM ON THE OTHER HAND ALSO UNDER THE OBLIGATION TO MAKE A MUCH MORE CAREFUL DISTINCTION BETWEEN TEMPORAL AND ECCLESIASTICAL AUTHORITY.[317] THE EXTREME DIFFICULTY OF THIS TASK IS FULLY REALIZED BY LUTHER ALREADY IN HIS EARLY LECTURES. AS AN AGENT OF GOD, THE PRINCE IS EXPECTED TO APPLY POWER. AND YET WHEN HE FULFILLS THIS REQUIREMENT, IMMEDIATELY THERE IS "DEATH IN THE POT";[318] FOR IF HE LIVES BY HIS OWN POWER, HOW CAN HE THEN LIVE BY THE GIFTS WHICH CHRIST WANTS TO IMPART TO HIM? LUTHER ANSWERS: A CHRISTIAN CAN USE POWER, GOODS, WEALTH, AND KNOWLEDGE ONLY IN SUCH A MANNER "AS IF HE HAD THEM NOT".[319] BUT HE DOES NOT LEAVE THE MATTER WITH THIS ANSWER WHICH MIGHT LEAD INTO A SCHIZOPHRENIC EXISTENCE. THE USE OF TEMPORAL POWER HAS A SPECIFIC PURPOSE OF ITS OWN TO FULFILL. ITS RESPONSIBILITY IS TO PREVENT IRRESPONSIBLE PEOPLE FROM INFLICTING HARM UPON EACH OTHER.[320]

THE NOVELTY OF THIS SEEMINGLY SIMPLE ANSWER LIES IN THE FACT THAT IT COMPLETELY CHANGES THE RELATIONSHIP WHICH WAS TO EXIST BETWEEN THE SPIRITUAL AND THE TEMPORAL POWER ACCORDING TO THE VIEW OF THE MEDIEVAL CHURCH. ACCORD-

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317. TO WHAT EXTENT LUTHER FULFILLED THIS OBLIGATION IS A PROBLEM WHICH HAS BEEN THE SUBJECT OF EXTENSIVE RESEARCH, ESPECIALLY IN THE LAST THREE DECADES. SPECIAL MENTION SHOULD BE MADE OF HEINRICH BORNKAMM: LUTHERS LEHRE VON DEN ZWEI REICHEN IM ZUSAMMENHANG SEINER THEOLOGIE, BERTELSMANN, GUETERSLOH, 1958; FRANZ LAU: "AEUSSERLICHE ORDNUNG" UND "WELTLICH DING" IN LUTHERS THEOLOGIE, GOETTINGEN, VANDENHOECK UND RUPRECHT, 1933; FRANZ LAU: LUTHERS LEHRE VON DEN BEIDEN REICHEN, LUTHERISCHES VERLAGSHAUS, BERLIN, 1953; GEORGE W. FORELL: FAITH ACTIVE IN LOVE, THE AMERICAN PRESS, NEW YORK, 1954

318. LR 17 (WA 56,171)

319. LR 17 (WA 56,171)

320. LR 332: "... IT IS THEIR RESPONSIBILITY TO RULE THEIR SUBJECTS WITH JUSTICE AND NOT TO PERMIT THEM TO INFLICT WRONG UPON ONE ANOTHER...", (WA 56,451)

ING TO THIS VIEW THE TEMPORAL POWER HAD TO LET ITSELF BE INFORMED BY THE SPIRITUAL POWER AS TO THE CONCRETE OBLIGATIONS IT WAS TO CARRY OUT. FURTHERMORE, IN RETURN FOR THIS SERVICE THE TEMPORAL POWER WAS TO PROVIDE THE FORCE FOR THE DEFENSE OF THE SPIRITUAL POWER. IT IS AT THIS POINT THAT LUTHER CHANGES THE VALUES. HE SEPARATES THE TWO BY ASSIGNING EACH ONE A CLEARLY DEFINED PURPOSE. IN THE PRINCIPAL PURPOSE OF CONFESSING CHRIST, THE CONGREGATION DOES NOT NEED THE PROTECTION OF THE CIVIL ARM, FOR "THERE IS NO BETTER WAY TO TRIUMPH OVER THE WORLD AND TO SUBJECT IT TO SPIRITUAL RULE THAN TO DESPISE IT."[321] TEMPORAL POWER, WHILE IT THUS HAS BEEN DIVESTED OF THE GLORY OF PROTECTING THE BODY OF CHRIST, IS GIVEN ITS OWN FIELD OF OPERATION. IT IS TO PROTECT THE WORLD AGAINST SELF-DESTRUCTION. BY DOING SO, CONSCIOUSLY OR UNCONSCIOUSLY, IT PRESERVES FOR THE WORLD THE POSSIBILITY OF HEARING THE CONFESSION OF THE CHURCH AND EVENTUALLY COMING UNDER THE RULE OF CHRIST.

THIS DEFINITION IS A CLARIFICATION OF PURPOSES. BUT THE TROUBLE STARTS WHEN THE SEPARATE FUNCTIONS BECOME CONFUSED. LUTHER FEELS THAT THIS IS DONE ESPECIALLY BY "THOSE WHO STUBBORNLY PERSIST IN DOING A GOOD WORK WHEN OBEDIENCE CALLS THEM TO HAVE SOME OTHER TASK."[322] HE COMPLAINS:

> "THIS APPLIES ALSO TO OUR DUKE FREDERIC AND HIS OFFICIALS. WHEN ONE ASKS FOR THEM, THEY ARE UNAVAILABLE. GOD CALLED THEM AWAY AND THEY SAY: AH, I MUST PRAY AND SERVE GOD! WHAT FOOLS THEY ARE! FOR THE SAKE OF SERVING GOD THEY DECLINE TO SERVE GOD." [323]

LUTHER'S DISTINCTION BETWEEN TEMPORAL AND ECCLESIASTICAL AUTHORITY DOES NOT IMPLY AN ABSOLUTE SEPARATION OF RELIGION AND POLITICS. THE CONGREGATION IS

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321. LR 359 (WA 56,476)

322. LR 346 WA 56,464)

323. LR 346 (WA 56,464)

STILL EXPECTED TO INFORM THE POLITICAL POWERS. BUT THE MANNER OF THIS INFORMATION HAS BEEN CHANGED. THE PREACHER SHOULD BE QUITE OUTSPOKEN IN POINTING OUT WHERE THE MEMBERS OF THE CONGREGATION HAVE VIOLATED THEIR CONFESSION OF CHRIST. INSTEAD OF REBUKING THE LITTLE PEOPLE, HE IS TO BEGIN WITH THE BIG ONES.[324] LUTHER HIMSELF MAKES A LIBERAL USE OF THIS RIGHT BY SHARPLY CRITICIZING DUKE GEORGE FOR HIS INVASION OF EAST FRISIA IN 1514, OR POPE JULIUS II AND THE BISHOP OF BRANDENBURG FOR THEIR CONTINUOUS WARFARE.[325] BUT NO ONE HAS THE RIGHT TO PRESCRIBE TO THE OTHER WHAT HE HAS TO DO.

> "FOR ONE OF US EXERCISES HIS OBEDIENCE AND FAITH HERE AND ANOTHER THERE, YET WE ARE ALL OF ONE FAITH. ... NOBODY CAN PRESUME TO ADOPT SOMEONE ELSE'S WAY AND NEGLECT HIS OWN RESPONSIBILITY." [326]

THE INFORMATION WHICH SPIRITUAL AUTHORITY SERVES TO THE TEMPORAL ONE DOES NOT TRANSGRESS THE LIMITS OF A WITNESS AND THEREFORE CANNOT EXPECT AN IMMEDIATE SUCCESS. IT CAN HAVE NO EFFECT WITHOUT THE INTERVENTION OF THE WORK OF THE HOLY SPIRIT WHO MAKES CHRIST PRESENT AS THE LORD BY SPEAKING THE DECISIVE WORD IN THE HEARER.

CONCLUSIONS

LUTHER DOES NOT PRESENT TO US HIS FULL ECCLESIOLOGY IN THE EARLY LECTURES BEFORE 1517. THIS IS NOT SURPRISING. ONE WOULD NOT EXPECT A MASTER'S PERFECTION FROM A TEACHER DURING THE FIRST YEARS OF HIS CAREER. A NUMBER OF DEFINI-

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324. LR 22: "... THE PREACHERS OF THE GOSPEL MUST FIRST OF ALL REBUKE THE PROMINENT LEADERS AMONG THE PEOPLE. ... THEY MUST SHOW HOW AND WHEN THEY LIVE AND ACT COUNTER TO THE GOSPEL ... IT MAKES ITS ENTRY FROM THE HEADS AND LEADERS OF THIS WORLD AND GRADUALLY OVERFLOWS ALL OTHERS." (WA 56,175)

325. LR 328F (WA 56,448)

326. LR 332 (WA 56,451)

TIONS WHICH WILL BECOME CHARACTERISTIC FOR LUTHER HAVE NOT YET BEEN DEVELOPED. THE THEORY OF THE "EXTERNAL MARKS" OF THE CHURCH APPEARS IN FULL IN THE TRACT "THE PAPACY AT ROME", LUTHER'S POSITION ON THE SACRAMENTS IN THE TRACT "OF THE BABYLONIAN CAPTIVITY OF THE CHURCH", AND HIS SOCIAL AND POLITICAL ETHICS IN THE "SERMON ON GOOD WORKS", "THE OPEN LETTER TO THE CHRISTIAN NOBILITY" AND IN THE TREATISE "ON CHRISTIAN LIBERTY" - ALL IN THE SAME YEAR 1520! HOWEVER THE PRINCIPLE OF ECCLESIASTICAL AUTHORITY, OUT OF WHICH THESE THEORIES WILL ISSUE FORTH, HAS ALREADY BEEN FORMULATED WITH REMARKABLE PRECISION. THE EXISTENCE OF THIS PRINCIPLE IN THE EARLY LECTURES IN FACT EXPLAINS WHY LUTHER WAS ABLE TO HAMMER OUT HIS DOCTRINE OF THE CHURCH IN SUCH A RAPID SUCCESSION OF TRACTS.

THERE IS A CLEAR LINE WHICH RUNS CONSISTENTLY THROUGH LUTHER'S EARLY WORKS AND WHICH PRESENTS HIS VIEWS ON THE VARIOUS SUBJECTS WITHIN THE FRAMEWORK OF A COHERENT SYSTEM. BEGINNING WITH THE CENTRAL PRINCIPLE OF CHRIST'S SOLE MEDIATORSHIP, IT LEADS TO A PRINCIPLE OF ECCLESIASTICAL AUTHORITY WHICH LIBERATES THE CHURCH FROM THE SAFEGUARDS AND THE CLAIMS OF THE HISTORICALLY GROWN INSTITUTION AND SUBJECTS HER TO THE DUAL AUTHORITY OF THE OUTWARD AND INNER WORD WHICH THE HOLY SPIRIT SPEAKS BOTH IN THE PUBLIC PROCLAMATION OF THE CHURCH AND IN THE HEARER. IN THIS CHRIST-EVENT IT IS SCRIPTURE, THE WRITTEN TESTIMONY TO GOD'S UNIQUE ACTION IN CHRIST, WHICH SERVES AS THE ONLY CONCRETE NORM OF VERIFICATION AND WHICH THUS OPENS THE CHURCH TO THE PUBLIC TEST OF THE TRUTHFULNESS OF HER OWN CONFESSION.[327] THE ACCEPTANCE OF THIS

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327. CF. P.T. FORSYTH'S EXPOSITION OF LUTHER'S PRINCIPLE OF AUTHORITY WHICH, WRITTEN AT THE BEGINNING OF THIS CENTURY, ANTICIPATED MANY OF THE ANSWERS WHICH WERE DEVELOPED BY LUTHER RESEARCH ON THE EUROPEAN MAINLAND AFTER WORLD WAR I; The Principle of Authority, 2ND EDITION, INDEPENDENT PRESS, LONDON, 1952, P. 319F: "ESCAPING FROM ROME WE DO NOT ESCAPE

PRINCIPLE OF AUTHORITY RESULTS IN THE DEFINITION OF THE BASIC CHURCH ORDER AS THAT OF A CONFESSIONAL CHURCH. ALL MEMBERS ARE MUTUALLY DEPENDENT UPON EACH OTHER DESPITE THEIR DIFFERENT PARTICULAR FUNCTIONS. AND ALL ARE RESPONSIBLE FOR THE PUBLIC PROCLAMATION THROUGH WHICH THE ORDAINED MINISTERS CONFESS THE LORDSHIP OF CHRIST AS SOLE MEDIATOR BETWEEN GOD AND MAN. ON THE OTHER HAND, THE ACCEPTANCE OF THIS PRINCIPLE DEMANDS ALSO A CLEAR SEPARATION BETWEEN TEMPORAL AND ECCLESIASTICAL AUTHORITY WHICH ARE BOTH USED BY THE MEMBERS OF THE CHURCH BUT OF WHICH EACH HAS ITS OWN DEFINITE PURPOSE.

A GREAT NUMBER OF LUTHER SCHOLARS HAVE COME TO ACCEPT THIS DEFINITION AS THAT SYSTEMATIC PRINCIPLE OF ECCLESIASTICAL AUTHORITY WHICH GUIDED THE REFORMER - OR WHICH CAME CLOSEST TO GUIDING HIM - IN THE WORK THROUGHOUT HIS LIFE.[328] IN THIS RESPECT THE PRESENT STUDY DOES NOT MAKE A CLAIM TO ORIGINALITY. THE PURPOSE OF THIS CHAPTER IS A HISTORICAL ONE. BY FOLLOWING THE THEOLOGICAL EXPOSITIONS OF THE YOUNG PROFESSOR, THE EVIDENCE COULD BE ESTABLISHED THAT THIS PRINCIPLE OF ECCLESIASTICAL AUTHORITY WAS FORMULATED AND ACCEPTED BY LUTHER BEFORE THE FIRST CRACK BECAME VISIBLE IN HIS RELATIONS WITH ROME. THE DOCTRINE OF JUSTIFICATION, WHICH BEYOND ANY DOUBT WAS HIS

FROM EXTERNAL AUTHORITY BUT FROM ONE SUCH TO ANOTHER, AND TO ONE WHOSE EXTERNALITY AND CLAIM MAKE THEMSELVES REAL AT DEPTHS WHERE NO MERE CHURCH CAN RULE, SUBTLER THAN ALL THE PSYCHOLOGY OF SIN, AND SURER THAN ITS PERDITION; WITH A PENETRATION WHOSE SEARCH IS SHARPER THAN FIRE, AND ITS GRASP CLOSER THAN LAW."

328. CF. THE SUMMARY OF LUTHER'S PRINCIPLE OF AUTHORITY, CLASSIC IN ITS BREVITY, WHICH IS GIVEN BY BAINTON, STUDIES ON THE REFORMATION, OP. CIT., P. 108: "LUTHER ASSERTED UNEQUIVOCALLY THE HISTORICAL UNIQUENESS OF THE WORK OF GOD IN CHRIST. ITS CONTINUANCE IN THE PRESENT IS MEDIATED THROUGH SCRIPTURE, WHICH IS THE RECORD OF THE EVENT. AND THOUGH IT MUST BE INTERPRETED BY THE SPIRIT, YET THE SPIRIT CAN NEVER BE DISASSOCIATED FROM THE OUTWARD WORD." - CF. ALSO THE WORKS WHICH ALREADY HAVE BEEN REFERRED TO BY IWAND; WOLF, OP. CIT., PP. 9-182, 214-278; STECK; RUPP, OP. CIT., PP. 310-328.

MAIN CONCERN IN THIS PERIOD, WAS IMMEDIATELY TRANSLATED INTO A MEANINGFUL AND CONCRETELY APPLICABLE CONCEPT ON CHURCH AUTHORITY. WHEN HE MADE HIS CHALLENGE IN 1517, HE WAS THEREFORE NOT MERELY A MONK PROTESTING AGAINST THE INDULGENCES, BUT HE KNEW ALREADY THEN THAT YOU CANNOT SAY "GRACE OF GOD" WITHOUT ALSO SAYING "VISIBLE CHURCH" AND "CHURCH ORDER".

THIS IS A RECOGNITION WHICH IS OFTEN OVERLOOKED BY THOSE LUTHER STUDIES WHICH LIMIT THEMSELVES TO AN EXPOSITION OF LUTHER'S DOCTRINE OF JUSTIFICATION. HEINRICH BORNKAMM, FOR EXAMPLE, CLAIMS:

> "LUTHER ... DID NOT MARCH TO FIELD IN ORDER TO REFORM THE CHURCH, BUT THE SCHOLASTIC THEOLOGY, AND IN THE MAIN, THE SCHOLASTIC DOCTRINE OF GRACE WITH ITS PRESUPPOSITIONS AND CONSEQUENCES." [329]

THEN BORNKAMM CONCLUDES: "THERE IS NOTHING SAID YET ABOUT CHURCH AND CHURCH ORDER". [330] THIS SEEMS TO GO A BIT TOO FAR; LUTHER KNEW QUITE WELL THAT AMONG THE "PRESUPPOSITIONS AND CONSEQUENCES OF THE SCHOLASTIC DOCTRINE OF GRACE" THE SUBJECTS CHURCH AND CHURCH ORDER HELD A VERY PROMINENT PLACE INDEED. IT IS TRUE HE BEGAN THE CAREER OF A REFORMER AS A SCHOLAR AND TEACHER WITH THE DISCUSSION OF THE SCHOLASTIC DOCTRINES. IT IS ALSO TRUE THAT AS A RESULT HIS WORK WAS NEVER TO LOSE COMPLETELY THE QUALITY OF A PROBING INQUIRY AND THE PREDILECTION FOR DOCTRINAL DISCUSSIONS. BUT THIS SHOULD NOT BLUR THE FACT THAT HE BEGAN HIS CAREER IN THE CLASSROOM OF A ROMAN CATHOLIC UNIVER-

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329. HEINRICH BORNKAMM: "BINDUNG UND FREIHEIT IN DER ORDNUNG DER KIRCHE", SAMMLUNG GEMEINVERSTAENDLICHER VORTRAEGE UND SCHRIFTEN AUS DEM GEBIET DER THEOLOGIE UND RELIGIONSGESCHICHTE, 222/223, J.C.B. MOHR, TUEBINGEN, 1959, P. 30: "LUTHER IST ... NICHT AUSGEZOGEN, DIE KIRCHE ZU REFORMIEREN, SONDERN DIE SCHOLASTISCHE THEOLOGIE, UND ZWAR IN DER HAUPTSACHE DIE SCHOLASTISCHE GNADENLEHRE MIT IHREN VORAUSSETZUNGEN UND KONSEQUENZEN."

330. IBID.: "VON KIRCHE UND KIRCHLICHER ORDNUNG IST DARIN NOCH NICHT DIE REDE."

SITY AND THAT HIS PROBING, GUIDED BY THE BIBLICAL WITNESS, ENCOMPASSED THE ENTIRE LIFE OF THE CHURCH AND NOT JUST ONLY AN ISOLATED DOCTRINE. IF CARRIED TO ITS LOGICAL END, BORNKAMM'S INTERPRETATION LEAVES NO OTHER CONCLUSION BUT THAT LUTHER NEVER HAD AN OPPORTUNITY TO DEVELOP A CONSISTENT PRINCIPLE WHICH SHOULD GOVERN THE CHURCH IN A CONCRETE MANNER. BEFORE 1517 HE DID NOT THINK OF IT, AND AFTER 1517 HE WAS TOO EMBROILED WITH THE SAVAGE ATTACKS OF ROME SO THAT HE COULD NOT DO IT THEN EITHER. THIS THEN IS PRECISELY THE FINAL CONCLUSION AT WHICH LIEBERG ARRIVES IN HIS OTHERWISE VERY VALUABLE EXEGESIS OF LUTHER-TEXTS ON THE MINISTERIAL OFFICE. LIEBERG DEMANDS THAT EVERYTHING SAID BY LUTHER ON THE MINISTERIAL OFFICE, THE CONCRETE ORDER FOR THE LIFE OF THE CONGREGATION, AND CHURCH CONSTITUTION, MUST BE UNDERSTOOD AS CONDITIONED BY THE SPECIFIC SITUATION TO WHICH IT WAS ADDRESSED BY LUTHER. THIS SEEMS TO BE A FAIR ENOUGH DEMAND. BUT LIEBERG NARROWS THE SCOPE OF HIS ARGUMENT TOO MUCH WHEN HE CONTINUES BY SAYING: "IN THE BACKGROUND THERE IS ALWAYS THE DARK SHADOW OF THE ROMAN POSITIONS AGAINST WHICH LUTHER HAS TO MAINTAIN HIMSELF IN A STRUGGLE FOR HIS EXISTENCE."[331] IF THE "STRUGGLE AGAINST THE ROMAN POSITIONS" IS TO BE ACCEPTED AS LUTHER'S FINAL PRINCIPLE OF CHURCH AUTHORITY, IT WILL BE EXCEEDINGLY DIFFICULT, IF NOT IMPOSSIBLE, FOR THE FOLLOWERS OF LUTHER TO MAKE AN INTELLIGENT, GENERALLY COMMUNICABLE CONTRIBUTION TO THE ECUMENICAL DISCUSSIONS ON THE CHURCH, HER ORDER AND OFFICES IN THESE DAYS, IN WHICH THE "DARK SHADOW OF THE ROMAN POSITIONS" SEEMS TO BE RAPIDLY LIFTING. BUT LUTHER WAS MORE THAN A SHADOW BOXER. LIEBERG'S PRINCIPLE OF "SITUATIONSBEDINGTHEIT" (BEING CONDITIONED BY THE SITUATION)[332]

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331. LIEBERG, OP. CIT., P. 240: "IMMER STEHT DER DUNKLE SCHATTEN DER ROEMISCHEN POSITIONEN, DENEN GEGENUEBER LUTHER SICH IN EINEM EXISTENZKAMPF ZU BEHAUPTEN HAT, IM HINTERGRUND ..."

332. IBID.: "ONE HAS TO SPEAK PLAINLY OF A BEING-CONDITIONED-BY-THE-SITUATION OF HIS DOCTRINE OF THE OFFICE." ("MAN MUSS GERADEZU VON EINER SITUATIONSBEDINGTHEIT SEINER LEHRE VOM AMT SPRECHEN.") ITALICS ARE LIEBERG'S.

WAS NOT HIS ONLY BOARD OF APPEAL. HE WAS READY TO SUBMIT HIMSELF TO A HIGHER PRINCIPLE OF AUTHORITY, TO THE AUTHORITY OF CHRIST WHOM THE CHURCHES EVERYWHERE CONFESS TO BE THE SOLE MEDIATOR BETWEEN GOD AND MAN. AND HE DID SO BEFORE 1517. THE "STRUGGLE FOR HIS EXISTENCE" WHICH FOLLOWED MUST THEREFORE BE SEEN WITHIN THE CONTEXT OF HIS EARLY CONFESSION.

HOWEVER LUTHER WAS CLEARLY STRUGGLING WITH THE NEW VISION OF THE CHURCH WHICH HIS UNDERSTANDING OF CHRIST'S REIGN OPENED UP BEFORE HIM. HE WAS LESS THAN PERFECT IN HIS OWN APPLICATION OF THE PRINCIPLE OF AUTHORITY WHICH HE DEFENDED. OUT OF A NUMBER OF INCONSISTENCIES, TWO IN PARTICULAR NEED TO BE SINGLED OUT: A. HIS VIEW OF THE ELECTOR'S ROLE IN CHURCH AFFAIRS, AND B. HIS TREATMENT OF THE HERETICS.

IN SPITE OF HIS CONSTANT INSISTENCE THAT THE DISTINCT PURPOSES OF TEMPORAL AND ECCLESIASTICAL AUTHORITY SHOULD NOT BE CONFUSED, LUTHER PLAYS FOR A MOMENT WITH THE THOUGHT THAT THE TEMPORAL AFFAIRS OF THE CLERGY MIGHT BE PUT UNDER THE CONTROL OF THE SECULAR RULERS. THIS WAS CERTAINLY NOT A FARFETCHED IDEA WHEN IT IS REMEMBERED THAT THIS TRANSFER OF AUTHORITY WAS ALREADY WELL UNDER WAY IN ACTUAL PRACTICE EVEN IF IT STILL LACKED OFFICIAL ACKNOWLEDGEMENT. THE NOTION IS TRIGGERED OFF IN LUTHER BY THE OBSERVATION OF THE MUCH HIGHER EFFICIENCY WITH WHICH THE SECULAR RULERS CARRIED OUT THEIR ADMINISTRATIVE FUNCTIONS THAN DID THE ECCLESIASTICAL RULERS. BUT THIS IS AN ISOLATED PASSAGE IN LUTHER'S EARLY WRITINGS WHICH CANNOT BE PRESSED. HE IS NOT TOO SPECIFIC IN THE DEFINITION OF THE "TEMPORALES ETIAM CLERICORUM". HIS ARGUMENT COVERS THE WHOLE RANGE FROM CRIMINAL JURISPRUDENCE TO THE PROBLEMS OF PREVENTING "UNTRAINED, DULL AND UNFIT PERSONS FROM ENTERING SACRED OFFICES" AND LETTING "THEM ADVANCE TO HIGHER POSITIONS".[333] BUT

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333. LR 362 (WA 56,478)

THE POINT WHICH HE WANTS TO MAKE IS QUITE CLEAR, AND IT RUNS COUNTER TO THE IDEA OFFERED IN THIS OFFHAND REMARK: THE CLERICS SHOULD PROVE THEMSELVES AS CLERICS TO THE LAYMEN BY BEING WHAT THEY PROFESS TO BE.[334] IT DOES NOT OCCUR TO HIM AT THIS MOMENT THAT THEY MIGHT DO EVEN LESS OF THAT WHEN CONVERTED INTO PUBLIC OFFICIALS OF THE PRINCE. IT IS QUITE CLEAR THAT HE HAS NOT THOUGHT THROUGH THE WHOLE IDEA PROPERLY. THEREFORE HE OFFERS IT ONLY IN THE CONDITIONAL TENSE.[335] HE DOES NOT REALIZE AT THE MOMENT THAT SUCH AN ARRANGEMENT IS BOUND TO FOSTER PRECISELY THAT EVIL, WHICH HE OTHERWISE SO CONSISTENTLY ATTACKS, OF "THE PRINCES WHO ARE CONSTANTLY IN CHURCH AND THE HIGHER CLERGY WHO CANNOT ABSENT THEMSELVES FROM COURT."[336] BUT IT IS NOT WITHOUT INTEREST THAT THIS FLEETING NOTION CROSSED HIS MIND IN THE EARLY YEARS ALREADY. MORE THAN ANYTHING ELSE IT PROVES THAT AT THAT TIME HE HAD NOT ASKED HIMSELF WHY IT WAS THAT ELECTOR FREDERIC COULD DISPLAY SUCH A HIGHER DEGREE OF EFFICIENCY IN HIS ADMINISTRATION THAN DID THE BISHOPS OF MEISSEN, NAUMBURG, AND MERSEBURG. IN THIS RESPECT HE CANNOT BE VINDICATED FROM THE CHARGE OF A CERTAIN HIGH-HANDEDNESS IN HIS JUDGMENTS AT TIMES. HE MADE IT A BIT TOO EASY FOR HIMSELF BY LUMPING ALL THE ECCLESIASTICAL RULERS TOGETHER IN ONE GROUP AND CHARGING THEM COLLECTIVELY WITH NEGLECT OF THEIR DUTIES.

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334. IBID.: "... UNLESS WE PROVE OURSELVES TO THEM ONCE MORE AS TRUE CLERICS, SO THAT THEY ARE FORCED TO BELIEVE IN WHAT WE REALLY ARE AND TAKE IT SERIOUSLY, WE SHALL DISCOVER IN THE END THAT WE CAN NO LONGER DECEIVE OURSELVES ABOUT OUR RIGHTS AND PRIVILEGES."

335. IBID.: "I AM NOT SURE, BUT I AM INCLINED TO THINK THAT THE SECULAR POWERS FULFILL THEIR OFFICE BETTER AND MORE HAPPILY THAN THE ECCLESIASTICAL ONES. ... SO THAT IT WOULD BE MUCH SAFER IF THE TEMPORAL AFFAIRS ALSO OF THE CLERGY WERE PLACED UNDER THE CONTROL OF THE SECULAR RULERS."

336. LR 346 (WA 56,464)

A SIMILAR CASE IS THAT OF THE HERETICS. IN STRIKING CONTRAST TO THE CONSCIENTIOUS EFFORT TO REPEL ANY HUMAN CLAIM TO SUPREMACY IN THE CHURCH, THE YOUNG DOCTOR SHARED WITH THE MAJORITY OF HIS COLLEAGUES AND FELLOW CHRISTIANS THE FEELING OF AN UNCHALLENGED SUPERIORITY WITH REGARD TO THOSE WHO HAD BEEN DECLARED TO BE OUTSIDE THE PALE OF THE CHURCH. THERE SEEMED TO BE NO POINT IN GETTING EXCITED ABOUT THEM. THE BEST ONE COULD DO WITH THEM WAS TO USE THEIR BAD EXAMPLE AS A WARNING FOR THOSE WHO MIGHT BE TEMPTED TO COMMIT SOME VAGUELY DEFINED EVIL. THUS THEY ALWAYS PROVIDED A CONVENIENT ESCAPE FROM DEFINING THE SERVICE OF THE CHURCH IN CONCRETE TERMS IN THE SAME MANNER IN WHICH JOHN HUS HAD BEEN MADE A PUBLIC DETERRENT WHEN PAPALISTS AND CONCILIARISTS FAILED TO AGREE ON THE PROPER USE OF AUTHORITY IN THE CHURCH.

IN THE LECTURES ON PSALMS AND ROMANS, LUTHER DOES NOT APPEAR TO BE AN EXCEPTION TO THE GENERAL RULE. IT IS VERY RARE INDEED THAT HE SINGLES OUT A SPECIFIC GROUP OF HERETICS BY NAME AS HE DOES IN HIS DISCUSSION OF THE "WEAK IN FAITH" OF ROMANS 14:1. HERE HE LIKES TO PICK ON THE PICARDS, A MORE RADICAL GROUP AMONG THE FOLLOWERS OF HUS.[337] AS A RULE HOWEVER HE PREFERS TO USE THE COLLECTIVE TERM "HERETICS". IT IS OBVIOUS THAT THE VARIOUS GROUPS OF SECTARIANS WHICH HAD BEEN EXCLUDED FROM THE FELLOWSHIP OF THE ROMAN CHURCH SINCE THE GREGORIAN REFORMS FOR THEIR PARTICULAR CONFESSION OF CHRIST'S LORDSHIP - THE CATHARI, ALBIGENSES, WALDENSES, AND THE DIFFERENT FACTIONS OF HUSSITES - FORM A NONDESCRIPT MASS FOR LUTHER IN WHICH THE SPECIFIC ERROR OF ONE MAY SAFELY BE ACCORDED TO ALL OF THEM WITHOUT DISTINCTION. HIS OWN PRESENTATIONS ARE THUS DISTINGUISHED THROUGH A SINGULAR LACK OF ANY DETAILED KNOWLEDGE OF THEM AND THROUGH THE SUPERFICIALITY IN WHICH A STANDARD SET OF ERRORS IS ASCRIBED TO THEM. NOT THE FACT THAT THEY ARE SEPARATED FROM THE ESTABLISHED HIERARCHICAL INSTITUTION ACCOUNTS FOR THEIR INORDINATE PRIDE

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337. LR 381 (WA 56,494)

WITH WHICH THEY IN LUTHER'S OPINION, "PRESUME TO DWELL ONLY IN GOD" AND DESIRE "TO BE PARTICULAR FRIENDS OF GOD".[338] HE IS SURE THAT THEY PREACH WITHOUT THE PROPER SCRIPTURAL CHECK AND THUS CONVERT GOD'S WORD "EXTRA NOS", IN CHRIST, INTO AN INVENTION OF THEIR OWN IMAGINATION.[339] HE IS SO SURE OF THIS THAT HE DOES NOT EVEN HAVE TO BOTHER TO FIND OUT. THUS HE DOES NOT REALIZE THAT JOHN HUS, ONE OF THE GREATEST "HERETICS", HAD MADE THE SAME DEMAND OF SCRIPTURAL AUTHORITY A HUNDRED YEARS BEFORE HIM.

THE SUMMARY JUDGMENT WHICH LUTHER PASSED ON THE ECCLESIASTICAL RULERS AND HERETICS SHOW A PERSONAL WEAKNESS IN THE REFORMER WHICH HE WAS ABLE TO OVERCOME ONLY OCCASIONALLY AND NEVER IN A LASTING MANNER. HE OFTEN HAD DIFFICULTIES WITH FOLLOWING THROUGH ON HIS OWN PRINCIPLE OF SCRIPTURAL AUTHORITY. HE FULLY REALIZED THE NEED FOR PAYING CAREFUL ATTENTION TO ANY CONFESSION OF CHRIST'S LORDSHIP, EVEN IF IT WAS MADE BY A PERSON FROM WHOM HE WOULD LEAST EXPECT IT.[340] BUT IN ACTUAL PRACTICE, "HE WAS NOT GIVEN TO LISTENING TO THOSE WHO OPPOSED HIS DOCTRINE."[341] IT THEREFORE HAS BEEN POINTED OUT WITH JUSTIFICATION THAT INSTEAD OF "PRACTICING WHAT HE PREACHED" HE WOULD AT TIMES "PREACH WHAT HE HAPPENED TO PRACTICE" AT A GIVEN MOMENT.[342] IT IS NOW INCREASINGLY FELT - ALSO AMONG LUTHERANS! - THAT THIS DEFECT SERIOUSLY LIMITED HIS LEADERSHIP IN A NUMBER OF MOMENTS CRITICAL FOR THE REFORMATION IN THE GERMAN

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338. WA 4, 64, 28

339. LR, 298 (WA 56,423)

340. LR 110: "AND IT IS ALMOST ALWAYS THE CASE THAT HE SPEAKS THROUGH SOMEONE AT A CERTAIN TIME AND IN A WAY CONTRARY TO WHAT WE THINK SHOULD BE THE PERSON, TIME, AND MANNER OF HIS SPEAKING TO US." (WA 56,256)

341. STECK, OP. CIT., P. 207: "DAS HINHOEREN AUF SEINE LEHRGEGNER WAR NICHT SEINE SACHE."

342. BAINTON: STUDIES ON THE REFORMATION, OP. CIT., P. 32

churches, particularly in the discussions of the Lord's Supper.[343] Luther cannot be completely vindicated of this grave handicap through a reference to the savage attacks to which he was exposed after 1517 and which allegedly prevented him from weighing the counter-arguments to his position. This handicap existed already before the storms of the conflict were unleased, which however when they came did nothing to cure him of this thorn in his flesh. It cannot be considered helpful if these inconsistencies in Luther are covered up and explained away as nothing but a result of the "war on two frontiers" which he had to fight against Rome on one side and the enthusiasts on the other side.[344]

In conclusion we must ask: Was the young Luther then a papalist? Today it seems that the answer must be more than one yes and one no only, since it has become extremely difficult to define a papalist. The absence of any reference to the papal office makes it abundantly clear that Luther felt already before 1517 that the church could very well get along without the office of an infallible pope - and also without the divine constitution of a hierarchy. But this does not mean that he wanted to get rid of the pope or the hierarchy. As we have seen, he was quite ready to tolerate the traditional church offices, "... not because any of it is necessary and unchangeable,"[345]

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343. Steck, op. cit., p. 207, note 38

344. Lieberg's description of this "Zweifrontenkampf" comes dangerously close to presenting Luther as a person who did nothing but talk out of the two corners of his mouth. Op. cit., p. 242: "If he sees the Word encircled by the walls of the concept of a wrong order, he breaks this order up by right and obligation of the common priesthood and raises up the vocation through the congregation. If the vocation of the congregation no longer guarantees the purity of the Word, he raises up beside it the ordination by virtue of the Word." ("Sieht er das Wort von den Mauern eines falschen Ordobegriffes umfangen, bricht er diese mit Recht und Pflicht des allgemeinen Priestertums auf und erhebt die Vokation durch die Gemeinde auf den Schild. Gewaehrleistet die Vokation der Gemeinde die Reinheit des Wortes nicht mehr, stellt er die Ordination in virtute verbi daneben.")

345. LR 384, Cf. supra, p. 129, note 304
(WA 56,496)

He felt able to tolerate it out of the conviction that the basic order of the church is irreversible, that relationship namely in which Christ is the present Lord and all the believers His servants. Its appearance may often be past recognition whenever the church is caught in the vicissitudes of human strife and ambition. The order itself will not be taken away, but will demand acceptance by all the members of the church. There can be no doubt that at the time in which Luther began to formulate his principle of ecclesiastical authority, he was quite confident that the dual rule of Scripture and the Spirit was recognized as the ultimate norm also by the church leaders in Rome. Perhaps he should be charged with a certain naivety at this point. How mistaken this assumption was, he was to find out a few years later. But as a result of this naivety he felt sure that even the pope and the different members of the hierarchy would take their place in that confessional church which he saw. The church is not left alone without help in the captivity into which she is drawn inevitably through the human struggle for authority and power in her midst. She is provided with a common principle which promises to lead her members again and again out of dissension into a consensus. Not even the pope is chained in solitary confinement to an unimpeachable office which demands of him the impossible task of being the lord of the scripture. As the "servant of servants" he too can confidently rely on that higher principle of authority - the confession of the Lord Jesus Christ who Himself is present in the witness of the scripture and the testimony of the Holy Spirit. Thus John XXIII, the pope who gained so much popularity in our days, was not caught in a "bag", not even in Rome.[346] The question in Luther's days was however whether the church authorities in Rome then were ready to avail themselves of this help provided to them.

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346. Cf. SUPRA, p. 4

CHAPTER III:

THE ELABORATION OF LUTHER'S PRINCIPLE OF ECCLESIASTICAL AUTHORITY

THE POWER OF THE KEYS

In 1517 Luther reached the point at which he felt ready to present his views to an audience larger than the group of students in his class. For a university teacher this is certainly not an unusual desire, and Luther followed the common academic practice established for this purpose at that time. The publication of a book was out of the question because of the exorbitantly high costs of printing and the limited financial powers of the average university professor then. An extremely sensible method of publishing one's views had therefore been developed. A set of brief theses would be made public which after proper announcement would be defended in a more complete manner through verbal arguments at a public debate. In order to further the communication from university to university, the set of brief theses would often be printed and sent out to the various schools so that other scholars might have an opportunity to express themselves on the same subject.

Luther thus elaborated ninety-seven theses in which he attacked the dependence of scholastic theology on Aristotle, particularly in the concept of God's grace.[347] They were then successfully defended by one of his students in Wittenberg on September 4th, 1517 who was given the bachelor's degree for his able performance. But the response from the other schools had been disappointing. Nobody seemed to be interested in challenging the propositions of Luther's doctrine on grace. Two months later Luther sent out another set of theses to the academic institutions. Because of the particular topic which was opened for debate by this second set of theses, Luther sent copies also

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347 WA 1, 224-228

TO HIS CHURCH SUPERIORS, BISHOP HIERONYMUS SCHULZ OF BRANDENBURG AND TO ARCH-BISHOP ALBRECHT OF MAINZ. THIS SECOND SET CONSISTED OF NINETY-FIVE THESES WHICH DISCUSSED CERTAIN ABUSES IN THE DISTRIBUTION OF PAPAL INDULGENCES AND BY IMPLICATION TOUCHED UPON THE POWER OF THE KEYS ENTRUSTED TO THE CHURCH.[348]

THE NINETY-FIVE THESES WERE PUBLISHED BY LUTHER ON OCTOBER 31ST, 1517. COMPARED TO THE NINETY-SEVEN THESES OF SEPTEMBER 4TH, THEY MUST BE CONSIDERED AS A SIDE PRODUCT OF LUTHER'S WORK AS A SCHOLAR. THE MANNER IN WHICH THEY WERE THROWN FORTH WAS DECIDEDLY INFERIOR TO THE WELL-THOUGHT-THROUGH BALANCE OF THE NINETY-SEVEN THESES AGAINST THE SCHOLASTIC THEOLOGY. "THEY WERE FORGED IN ANGER", AS BAINTON SAYS,[349] THEIR IMMEDIATE OCCASION BEING THE INDULGENCE CAMPAIGN WHICH WAS CONDUCTED BY THE DOMINICAN TETZEL. IN ADDITION TO THE PROBLEM OF INDULGENCES THEY RANGED OVER A WIDE FIELD OF SUBJECTS, FROM THE CONCEPT OF REPENTANCE AND CONTRITION, TO THE CHURCH'S POWER OF REMITTING SIN AND HER OBLIGATION TO OFFER INTERCESSORY PRAYERS FOR THE DEPARTED, AND ON TO THE NEED FOR DOING GOOD WORKS IN ADDITION TO THE ABSOLUTION RECEIVED FROM THE PRIEST. ALTHOUGH THIS ASSEMBLY OF LOOSELY CONNECTED IDEAS DOES NOT SHOW LUTHER AT HIS BEST, THE PRESENT STUDY WILL HAVE TO CONCENTRATE ON THIS SET OF THESES RATHER THAN ON THE MORE POLISHED EARLIER THESES, SINCE IT WAS THE NINETY-FIVE THESES WHICH BROUGHT LUTHER'S PRINCIPLE OF ECCLESIASTICAL AUTHORITY INTO CONFLICT WITH THE ESTABLISHED CHURCH AUTHORITIES.

HOWEVER LUTHER'S CONFLICT WITH THE CHURCH AUTHORITIES IN THE NEXT FOUR YEARS MIGHT BE EVALUATED, IT MUST BE KEPT IN MIND THAT HIS THESES WERE NOT WRITTEN AS A PUBLIC CHALLENGE TO THE ESTABLISHED CHURCH INSTITUTIONS. LUTH-

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348. WA 1, 233-238

349. BAINTON: HERE I STAND, OP. CIT., P. 60

ER'S PURPOSE WAS NOT TO PRESENT AN ARGUMENT ON A NEW CHURCH ORDER. THE BRIEF STATEMENTS WERE MEANT TO BE NOTHING MORE THAN A DISCUSSION STARTER FOR THE ACADEMIC COMMUNITY. THAT THEY WERE IMMEDIATELY RECEIVED AS SOMETHING ELSE WAS NOT LUTHER'S INTENTION. LUTHER SHOULD THEREFORE NEITHER BE BLAMED NOR PRAISED FOR HAVING INTENTIONALLY STARTED A NEW CHURCH. IN THE FOUR YEARS FROM 1517 TO 1521, AS THE CONFLICT INCREASED IN INTENSITY, LUTHER DID NOT FAIL TO SEEK WAYS OF APPEASEMENT. HE CLEARLY EXPRESSED HIS ALLEGIANCE TO THAT CONFESSIONAL CHURCH WHICH HE SAW GATHERED UNDER CHRIST'S SOLE MEDIATORSHIP. BUT THIS CONGREGATION OF BELIEVERS WAS NOT TO BE A NEW CHURCH BESIDE THE ALREADY EXISTING ONES. LUTHER KEPT INSISTING THAT IT DID LIVE AND COULD LIVE WITHIN THE STRUCTURES OF THE ESTABLISHED ECCLESIASTICAL INSTITUTIONS. BUT SINCE HE DID SO WITHOUT GIVING UP THE DUAL PRINCIPLE OF SCRIPTURE AND THE HOLY SPIRIT AS HIS ULTIMATE BOARD OF APPEAL, THE CONFLICT WAS INESCAPABLE; FOR THE MEMBERS OF THE HIERARCHY FELT UNABLE AT THAT TIME TO FOLLOW HIM IN HIS REASONING. LUTHER'S ASSUMPTION THAT THE ECCLESIASTICAL SUPERIORS MIGHT HAVE AN INTEREST IN THE MATTER HOWEVER PROVED TO BE CORRECT. ARCHBISHOP ALBRECHT OF MAINZ, WHO MIGHT HAVE REACTED WITH INDIFFERENCE TO ANOTHER ERUDITE EXPOSITION OF THEOLOGICAL SUBTLETIES, IMMEDIATELY REPORTED THE MATTER TO ROME. HE DID SO WITH FULL JUSTIFICATION; FOR THE ISSUE QUICKLY GOT OUT OF ALL CONTROL. DURING THE NEXT FOUR YEARS ALL THE PRINCIPAL PARTICIPANTS TRIED TO DO THE BEST WITHIN THEIR POWER TO BRING THE ISSUE UNDER CONTROL AGAIN. BUT SINCE EACH SIDE OPERATED ON THE BASIS OF DIFFERENT PRINCIPLES, THE CONTROVERSY OVER WHAT WAS TO BE "THE BEST" COULD NOT BE ARRESTED. THE BEST EFFORTS FROM ONE SIDE OR THE OTHER COULD NOT DO ANYTHING BUT LEAD INCREASINGLY TO THE REVELATION OF THE DIFFERENCE WHICH WAS THERE IN PRINCIPLE FROM THE VERY BEGINNING.

CONTRARY TO THE PURPOSE FOR WHICH THEY HAD BEEN ORIGINALLY WRITTEN, LUTHER'S NINETY-FIVE THESES IMMEDIATELY CAUGHT THE INTEREST OF THE GENERAL PUBLIC

IN GERMANY. SUDDENLY THEY APPEARED IN GERMAN TRANSLATIONS WHICH HAD NOT BEEN AUTHORIZED OR EVEN INTENDED BY LUTHER. THEY SPREAD THROUGH THE COUNTRY LIKE WILDFIRE. INSTEAD OF OPENING AN ACADEMIC DEBATE, THEY HAD BEGUN TO OPEN IN FACT A SHARP CONTROVERSY IN THE CHURCH AT LARGE. BEYOND ANY DOUBT, THEY HIT ON SEVERAL POINTS WHICH WERE GENERALLY FELT TO BE SORE. MOREOVER THE MANNER OF A POINTED STACCATO IN WHICH THEY WERE DRAFTED GAVE THEM THE EFFECT OF A ROUSING MANIFESTO. WITHOUT THE SUPPORT OF THE VERBAL EXPLANATIONS, THEY HINTED AT THE PROPOSED IDEAS RATHER THAN FULLY EXPLAINING THEM. THUS THEY DID NOT FAIL TO FAN THE IMAGINATION OF THE PEOPLE EVERYWHERE. WITHIN A SHORT TIME THERE WERE RUMORS OF A NEW HERESY. THE INDULGENCE COMMISSIONERS IMMEDIATELY JOINED IN AND DID THEIR SHARE IN SPREADING THE EXCITING NEWS THROUGH THE COUNTRY. FOR THE ADVERTISING OF THEIR INDULGENCE LETTERS THE EXISTENCE OF A NEW HERETIC PROVIDED PROPAGANDA MATERIAL WHICH WAS TOO COLORFUL TO BE PASSED UP. THEIR FASCINATED AUDIENCE WAS SPELLBOUND TO HEAR THE PROPHECIES THAT WITHIN TWO WEEKS OR A MONTH HE WOULD MOST CERTAINLY BE BURNED. FOR FEAR OF THE MOUNTING PRESSURE LUTHER WAS ADVISED BY HIS FRIENDS NOT TO ATTEND THE MEETING OF THE AUGUSTINIAN CHAPTER IN HEIDELBERG IN APRIL 1518.[350]

NO ONE WAS MORE SURPRISED BY THE FAR-REACHING EFFECT OF THE THESES THAN LUTHER HIMSELF. HE WAS GRATEFUL FOR HELP OFFERED HIM FROM QUARTERS WHERE HE HAD LEAST EXPECTED IT. ON MARCH 21ST OF 1518 HE WROTE TO A FRIEND:

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350. CF. LUTHER'S LETTER OF MARCH 21ST, 1518 TO JOHANNES LANGE IN D. MARTIN LUTHERS BRIEFWECHSEL, D. MARTIN LUTHERS WERKE, KRITISCHE GESAMTAUSGABE, ED. BY KONRAD BURDACH AND OTHERS, HERMANN BOEHLAU, WEIMER, 1930FF, HEREAFTER ABBREVIATED AS WA BR, NR. 64: "... THEY ADD THREATS BY WHICH THEY PROMISE THE PEOPLE THAT I SHALL BE BURNED MOST CERTAINLY EITHER WITHIN TWO WEEKS OR WITHIN A MONTH. ... FINALLY I AM ADVISED BY EVERYBODY NOT TO GO TO HEIDELBERG SO THAT THEY IN FACT MAY NOT ACCOMPLISH AGAINST ME WHAT THEY CANNOT DO BY OPEN FORCE."

"WITHOUT BEING ASKED FOR IT, OUR PRINCE HAS FERVENTLY TAKEN ME AND CARLSTADT INTO HIS PROTECTION; UNDER NO CIRCUMSTANCES WILL HE TOLERATE THAT I BE TAKEN TO ROME." 351

STRENGTHENED BY THIS CONFIDENCE HE TRAVELLED TO HEIDELBERG AND SAFELY RETURNED TO WITTENBERG. HOWEVER THE CONFLICT IN WHICH HE SUDDENLY FOUND HIMSELF EMBROILED WAS FOR HIM NOT A STRUGGLE TO SAVE HIS OWN SKIN. WHILE HE SHOWED VERY LITTLE CONCERN FOR THE OUTCOME OF HIS PERSONAL CASE IN THE DISCIPLINARY MEASURES WHICH WERE INITIATED AGAINST HIM IN ROME, 352 HE WAS NOT LIBERATED FROM THE OBLIGATION TO EXPLAIN MORE FULLY WHAT HE HAD MEANT WITH THE REVOLUTIONARY THESES. IN FEBRUARY 1518 HE HAD ALREADY PUBLISHED IN PRINTED FORM A SHORT TRACT ENTITLED "A SERMON ON INDULGENCE AND GRACE", 353 TO PROTECT HIS POSITION AGAINST THE CHARGE OF HERESY. IT CONSISTED OF TWENTY BRIEF POINTS AND WAS PROBABLY THE SUMMARY OF AN EARLIER SERMON WHICH HE HAD HELD IN CONNECTION WITH THE POSTING OF THE THESES. 354 BUT THIS BRIEF OUTLINE INTENSIFIED THE GENERAL CONFUSION RATHER THAN ABATING IT. WHAT WAS AT STAKE WAS MORE THAN CERTAIN ABUSES IN THE DISTRIBUTION OF INDULGENCES. LUTHER FELT WHAT WAS EXPECTED FROM HIM WAS A FULL DISCUSSION OF THE POWER WHICH THE CHURCH LEGITIMATELY COULD CLAIM. HE WANTED TO PRESENT IT BY PUBLISHING THE "DECLARATIONS AND PROOFS" WITH WHICH HE HAD ORIGINALLY INTENDED TO SUPPORT HIS THESES VER-

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351. CF. LETTER OF MARCH 21ST, 1518 TO JOHANNES LANG, WA BR NR. 64: "PRINCEPS NOSTER ... ACRITER ME ET CARLSTADIUM IN PROTECTIONEM NON ROGATUS SUSCIPIT, NULLO MODO PASSURUS, UT ME AD URBEM TRAHANT,..."

352. CF. BAINTON: HERE I STAND, OP. CIT., P. 65: "DURING THE FOUR YEARS WHILE HIS CASE WAS PENDING HIS LETTERS REVEAL SURPRISINGLY LITTLE PREOCCUPATION WITH THE PUBLIC DISPUTE. HE WAS ENGROSSED IN HIS DUTIES AS A PROFESSOR AND PARISH PRIEST, AND MUCH MORE CONCERNED TO FIND A SUITABLE INCUMBENT FOR THE CHAIR OF HEBREW AT THE UNIVERSITY OF WITTENBERG THAN TO KNOCK A LAYER FROM THE PAPAL TIARA."

353. WA 1, 243-246

354. WA 1, 239

bally. Already on February 13th he had sent them in manuscript form to his bishop, asking him for permission to publish them.[355]

Bishop Schulz of Brandenburg found himself in a precarious situation. A pacification of the controversy was urgently necessary. It could come only from Luther through a clarification of his position. Yet the bishop also realized that the "Sermon on Indulgence and Grace" had done more harm than good. He answered Luther immediately. Uncertain what to do in the delicate matter, he urged him for the time being to wait. In the second half of March he even sent a personal representative to Wittenberg in the person of abbot Lehnin to ask Luther for the promise that he would withhold the publication of his "Explanations of the Disputation on the Value of Indulgences". Luther was completely taken by surprise through all this personal attention and wrote:

> "I am truly confused with shame that such a great bishop then would send to me in so humble a manner such a great abbot ... I would much rather obey than do miracles even if I had the power to do them." [356]

But after a few days the bishop changed his mind again and released Luther from his promise.[357] On May 30th Luther was able to send off his "Explanations" in the final form to Staupitz, the Vicar of his congregation, with the request to forward them to Rome, where they must have arrived in June. There was still a delay in distributing them to the general public. "Our chalcographer is such a slowpoke", Luther complained impatiently and without reason

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355. Letter of February 13, 1518 to Hieronymus Scultetus, WA Br 58

356. Luther's letter to Spalatin in the second half of March 1518, WA Br 67: "Ego vero pudore confusus, quod tantum Abbatem, deinde tantus pontifex, tam humiliter ad me mitteret ... Malo obedire quam miracula facere, etiam si possem ..."

357. Luther's letter to Spalatin in the first days of April 1518, WA Br 70

ABOUT HIS PRINTER GRUNENBERG.[358] ON AUGUST 21, 1518 THE PRINTED COPIES COULD FINALLY GO OUT TO THE PUBLIC. FOR THE FIRST TIME LUTHER PURPOSEFULLY PRESENTED TO THE WORLD HIS FULL CONCEPT ON THE EXTENT AND LIMITATIONS OF THE POWER OF THE CHURCH. HIS CAREER AS A REFORMER HAD BEGUN IN EARNEST.

IN THE PREFATORY ADDRESS IN WHICH THE "EXPLANATIONS OF THE NINETY-FIVE THESES"[359] ARE DEDICATED TO THE POPE, LUTHER COMMITS HIS WHOLE CASE TO LEO X. "THUS," HE WRITES, "MOST HOLY FATHER, I OFFER MYSELF PROSTRATE AT THE FEET OF YOUR HOLINESS WITH EVERYTHING THAT I AM AND THAT I HAVE."[360] THIS IS NOT THE EXAGGERATION OF FLATTERY. LUTHER IS QUITE SERIOUS IN THE SUPPORT WHICH HE SEEKS TO GIVE TO THE PAPAL OFFICE AS THE HIGHEST OFFICE REPRESENTING THE POWER OF THE KEYS ENTRUSTED TO THE CHURCH. HE FEELS, AS HE WRITES, "TO BE SAFER UNDER THE SHELTER OF YOUR NAME AND UNDER THE SCREEN OF YOUR PROTECTION, MOST HOLY FATHER."[361] HE THINKS HE IS JUSTIFIED IN PUTTING A GREAT CONFIDENCE IN GIOVANNI MEDICI WHO WAS THEN CONSIDERED BY MANY TO BE A MOST WELCOME CHANGE AFTER THE WARLIKE JULIUS II. BUT LUTHER IS ALSO FULLY AWARE OF THE SERIOUS LIMITATIONS WHICH ARE IMPOSED ON THE JUST EXERCISE OF THE PAPAL OFFICE THROUGH THE CIRCUMSTANCE OF THIS TIME:

> "IN OUR DAY WE ARE ONLY WORTHY OF POPES LIKE JULIUS II, ALEXANDER VI, OR SOME OTHER TYRANNOUS MEZENTIANS AS DESCRIBED BY THE POETS. FOR

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358. LUTHER'S LETTER TO W. LINK OF JULY 10TH, 1518, WA BR 83: "... TAM SEGNIS EST NOSTER CHALCOGRAPHUS ..."

359. THE LATIN TEXT OF THE "EXPLANATIONS" IS FOUND IN WA 1, 525-628, THE ENGLISH TRANSLATION BY C.W. FOLKEMER IN LUTHER'S WORKS, ED. BY JAROSLAV PELIKAN AND HELMUT T. LEHMANN, MUHLENBERG PRESS, PHILADELPHIA-ST. LOUIS, 1955FF - HEREAFTER ABBREVIATED AS LW - VOL. 31, PP. 83-252

360. WA 1, 529, 22: "QUARE, BEATISSIME PATER, PROSTRATUM ME PEDIBUS TUAE BEATITUDINIS OFFERO CUM OMNIBUS QUAE SUM ET HABEO."

361. WA 1, 529, 12: "... TUTIOR SIM SUB TUI NOMINIS PRAESIDIO ET TUAE PROTECTIONIS UMBRA, BEATISSIME PATER ..."

> TODAY EVEN ROME ITSELF LAUGHS AT THE GOOD POPES, INDEED ROME MOST OF ALL. IN WHAT PART OF THE CHRISTIAN WORLD DO THEY RIDICULE THE POPES MORE FREELY THAN IN THAT VERITABLE BABYLON, ROME?" 362

IT IS PERHAPS NOT SURPRISING THAT THIS CONFIDENCE WITH WHICH LUTHER APPROACHED POPE LEO X - POSSIBLY A LITTLE TOO NAIVELY - HAS BEEN INTERPRETED TO BE "FAITH IN THE PAPACY AS THE ULTIMATE AUTHORITY WITHIN THE CHURCH". BUT THIS INTERPRETATION, WHICH IS OFFERED ESPECIALLY BY SUCH ROMAN CATHOLIC HISTORIANS AS JOHN M. TODD WHO SEEK MOST SINCERELY A LINK FOR UNDERSTANDING LUTHER, DOES NOT CARRY THROUGH TO THE END. EVENTUALLY IT MUST ASSERT:

> "THERE IS, THEN, A FUNDAMENTAL CONTRADICTION BETWEEN LUTHER'S TWO POSITIONS: (1) EARLY IN 1518 WHEN HE RETAINED FAITH IN THE PAPACY AS THE ULTIMATE AUTHORITY WITHIN THE CHURCH, AND IN THE MASS AND SACRAMENTS; (2) IN 1521 WHEN HE HAD REJECTED THIS AUTHORITY AND SOME OF THE CATHOLIC TEACHING ON THE MASS ANDTTHE SACRAMENTS." 363

HOWEVER WELL MEANT SUCH A MODERN ROMAN CATHOLIC INTERPRETATION MAY BE, IT IS BOUND TO STOP IN BEWILDERMENT BEFORE THE PUZZLE THAT

> "LUTHER HAD WORKED OUT HIS FUNDAMENTAL THEOLOGY OF FAITH IN AND OBEDIENCE TO CHRIST WITHOUT FINDING IT CONTRADICTORY OF THE TRADITION HE HAD RECEIVED, WHILST STILL A FULL AND WILLING MEMBER OF THE CATHOLIC AND PAPAL CHURCH." 364

THIS INDEED BECOMES A PROBLEM WHICH CANNOT BE SOLVED IF THE DRASTIC MODIFICATIONS ARE OVERLOOKED WHICH LUTHER HAD MADE FROM THE VERY START OF HIS STUDIES IN THE SCHOLASTIC "TRADITION HE HAD RECEIVED", AND EVEN MORE SO IF THE DRASTIC MODIFICATIONS ARE OVERLOOKED WHICH HE MADE IN THE DEFINITION OF THE PAPAL OFFICE FIRST IN THE FORM OF AN OUTLINE IN THE NINETY-FIVE THESES AND THEN IN A MORE COMPLETE MANNER IN THEIR "EXPLANATIONS".

LUTHER DESIRES TO HEAR THE VOICE OF THE POPE AS HIS SPIRITUAL FATHER IN THE CONTROVERSY INTO WHICH HE HAS BEEN DRAWN. BUT THIS DESIRE BY NO MEANS

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362. LW, 31, 155f (WA 1,573,21)

363. TODD, OP. CIT., P. 282

364. IBID.

implies acceptance of the papal judgment as an unimpeachable or irreformable authority. True enough, he calls upon the pope with the words: "Vivify, destroy, call, revoke, approve, reprove as it may please!"[365] But the judgment of the pope will have no value unless it seeks to fulfill the purpose, as Luther continues his appeal to the pope, that "I may recognize your voice as the voice of Christ residing and speaking in you."[366] Luther is thus not impressed with the authority which the pope may claim by virtue of a divine institution, by virtue of a historical establishment, or by virtue of a line of successors to the Petrine chair. The papal authority which he seeks is that one which establishes and manifests itself as authoritative by being a witness to the sole mediatorship of Jesus Christ as the present Lord.

It is the use of his office, then, which proves the power of the pope or of the Church to be holy, i.e. as being possessed by the Holy Spirit, while the claim of a divine institution or of a historical succession proves nothing. The purpose of this new definition of papal authority is to free the papal office from the inner contradiction of which it had become a victim through the demand that the holiness of the ecclesiastical office must be defended with all available means even if it is exercised in the manner of a most arbitrary despotism. Precisely this demand is the fetter from which Luther wants to liberate the office of the pope.

> "... I say that I do not believe this opinion of mine lessens the power of the keys, of which I have been accused, but rather restores it from a false honor and tyrannical reverence to a place of worthy and loving

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365. WA 1, 529, 24: "Vivifica, occide, voca, revoca, approba, reproba, ut placuerit ..."

366. WA 1, 529, 25: "vocem tuam vocem Christi in te praesidentis et loquentis agnoscam."

> esteem. It is no wonder if the keys are held in contempt when they are offered to those who receive them with hollow respect, i.e. with intimidation; ... Why, therefore, do we exalt the pope because of the keys and at the same time think of him as a power-hungry individual?" 367

The favorite distinction of the scholastic tradition between an office which is holy and an office holder who is sinful begs the question at the decisive point therefore; the important question which needs to be asked is concerned with the holiness of the exercise of power. Nothing has authority simply for the reason that it is said by the pope or by any other office holder. What the pope says has authority if it is supported by a clear evidence which convinces the entire church represented in a general council. Luther boldly exclaims:

> "It makes no difference to me what pleases or displeases the pope. He is a human being like the rest of us .... I listen to the pope as pope, that is when he speaks in and according to the canons, or when he makes a decision in accordance with a general council. ... 'Prove what you say, Holy Father', especially since it is not the pope alone who decides upon new articles of faith ... Since the pope is only human and can err in matters of faith and morals, the faith of the whole church would be constantly in danger if it were necessary to believe as true whatever might occur to the pope to be true." 368

This was the startling definition of the papal office which Luther had announced in his thesis 26 on October 31st, 1517[369] and which he fully elaborated in his "Explanations" in 1518. Its intention is not to abrogate the papal office or to deny the pope the power of the keys. Its radical change lies in the redefinition of the power of the keys on which it rests. Neither the pope nor the church has the power to bestow any real benefit on anyone. The power of the keys which they do possess is the power of their witness to

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367. LW 31, 196 (WA 1,596,24)

368. LW 31, 171f (Italics are by this author) (WA 1,582,19)

369. Thesis 26 reads: "The pope does very well when he grants remission to souls in purgatory, not by the power of the keys, which he does not have, but by way of intercession for them." LW 31, 27 (WA 1,574,14)

Jesus Christ who as the present Lord bestows upon the believer His own gifts. The question which must be inevitably asked is therefore: But what is the power which the pope exclusively can wield as pope? Is the power of the keys which is thus defined not something shared by all Christians? Precisely this is the contention which Luther wants to make.

> "Indeed, this most blessed participation in the benefits of Christ and joyful change of life do not take place except by faith. Since this is so, I think it sufficiently clear that this participation is not granted by the power of the keys or by the benefit of letters of indulgence. Rather it is granted by God alone before and without these indulgences. Just as remission is granted by God before the remission of the church, absolution before the absolution of the church, so also is participation in the benefits of Christ granted before participation in the benefits which the pope confers." 370

Since it is the Lord Himself who bestows upon the believer righteousness, strength, patience, humility, "the priest of the new law only declares and confirms the absolution of God, that is, points it out, and by this pointing out of his and by his judgment calms the conscience of the sinner." 371 This is the principal function which the pope and all the clergy are called to carry out publicly, for "conscience, already justified by grace, would by its own anxiety cast out grace if it had not been aided by faith in the presence of grace, through the ministry of the priest." 372 Therefore there is no difference in kind between the power which the pope and the clergy exercise publicly and that which is exercised by all Christians. There is only a difference in the manner in which it is exercised by the one and by the other. "The pope

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370. LW 31, 190f (WA 1,593,30)

371. LW 31, 107 (WA 1,545,1)

372. LW 31, 104 (WA 1,543,20)

IN A GENERAL WAY, THE BISHOPS IN A PARTICULAR WAY, AND THE CHRISTIAN IN AN INDIVIDUAL WAY"[373], LUTHER SAYS, ILLUSTRATING HIS POINT WITH THE EXAMPLE OF THE POWER WHICH THE POPE IS CLAIMED TO HAVE OVER THE DEPARTED IN PURGATORY.[374]

IN THESE DEFINITIONS OF THE CONCRETE ORDER OF THE CHURCH LUTHER OBVIOUSLY HAS RECOURSE TO CONCEPTS DEVELOPED BY HIM IN FORMER YEARS. AT THE ROOT OF HIS ARGUMENT LIES THE DOCTRINE OF THE PRIESTHOOD OF ALL BELIEVERS WHICH HE HAD ELABORATED AS A COROLLARY TO THE PRINCIPLE OF CHRIST'S MEDIATORSHIP, AS WE HAVE SEEN, ALREADY IN THE EARLY LECTURES BEFORE 1517. THIS IS NOT THE MODERN CONCEPT OF DEMOCRATIC EQUALITY. HIS THOUGHTS ON THE ORDER OF THE CHURCH ARE NOT BASED ON THE CONCEPT OF A NATURAL EQUALITY OF ALL INDIVIDUALS BUT ON THE CONVICTION THAT IN THE CONGREGATION OF BELIEVERS THAT EVENT TAKES PLACE BY WHICH CHRIST IS GLORIFIED AND MADE MANIFEST THROUGH THE WORK OF THE HOLY SPIRIT. IT IS THEREFORE NOT SURPRISING THAT THE ARGUMENT OF HIS "EXPLANATIONS" FINDS AGAIN ITS CENTRE IN THIS CHRIST-EVENT, OF WHICH HE GIVES A DESCRIPTION THAT CAN BE CALLED CLASSIC FOR ITS CONCISE BREVITY.

> "THEREFORE, SINCE THE SPIRIT OF CHRIST DWELLS WITHIN CHRISTIANS, BY MEANS OF WHICH BROTHERS BECOME CO-HEIRS, ONE BODY, AND CITIZENS OF CHRIST, HOW IS IT POSSIBLE FOR US NOT TO BE PARTICIPANTS IN ALL THE BENEFITS OF CHRIST? CHRIST HIMSELF HAS ALL THAT BELONGS TO HIM FROM THE SAME SPIRIT. SO IT HAPPENS THROUGH THE INESTIMABLE RICHES OF THE MERCIES OF GOD THE FATHER, THAT A CHRISTIAN CAN BE GLORIFIED WITH CHRIST AND CAN WITH CONFIDENCE CLAIM ALL THINGS IN CHRIST. RIGHTEOUSNESS, STRENGTH, PATIENCE, HUMILITY, EVEN ALL THE MERITS OF CHRIST ARE HIS THROUGH THE UNITY OF THE SPIRIT BY FAITH IN HIM." 375

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373. LW 31, 157 (WA 1,574,6)

374. IN THE CONTEXT LUTHER MAKES IT CLEAR THAT HE HAS NO INTEREST IN DEFENDING ANYONE'S POWER OF JURISDICTION OVER PURGATORY. LW 31, 156: "I DOUBT AND DISPUTE WHETHER THE POPES HAVE THE POWER OF JURISDICTION OVER PURGATORY ... IF, HOWEVER, HE DOES HAVE SOME AUTHORITY, HE CERTAINLY HAS ONLY THE SAME KIND IN WHICH HIS SUBORDINATES ALSO SHARE." (WA 1,573,38).

375. LW 31, 190 (WA 1,593,16)

THE RIGHT ORDER OF THE CHURCH IS THEREFORE THAT ONE WHICH RECEIVES ITS STRUCTURE FROM THIS CHRIST-EVENT. SINCE ALL BELIEVERS SHARE IN THE PRESENCE OF THE SAME CHRIST, LUTHER LONGS FOR A GENERAL COUNCIL AS THE MOST EXPEDIENT MEANS FOR ESTABLISHING A FREE AND PUBLIC CONSENSUS AMONG THE MANY BELIEVERS.[376] HE REGARDS THE AUTHORITY OF A GENERAL COUNCIL TO BE FAR SUPERIOR TO THAT OF THE PAPAL OFFICE. IF IT WERE NOT FOR HIS FAILURE TO ASCRIBE TO THE COUNCIL AN INFALLIBLE AUTHORITY, HE MIGHT BE CALLED A CONCILIARIST. BUT PRECISELY THIS IMPORTANT POINT HE DOES NOT CONCEDE. SINCE THE ONLY IRREFORMABLE AUTHORITY BELONGS TO THE LORD PRESENT, NO OFFICE AND NO ASSEMBLY CAN CLAIM AN ABSOLUTE AUTHORITY.

LUTHER THUS MAKES FULL USE OF FORMULATIONS WHICH HAD BEEN WORKED OUT ALREADY BEFORE THE BEGINNING OF THE CONTROVERSY. BUT THE NEED TO PRESENT HIS VIEW ON THE CHURCH IN A PUBLIC DISPUTE HAS CERTAINLY ADDED A GREATER PRECISION TO HIS ARGUMENT. THIS TENDENCY, WHICH SHOWS ITSELF IN SEVERAL DEFINITIONS OF THE CHURCH'S MINISTRY AND HER ORGANS OF EXECUTION, CAN BE OBSERVED NOWHERE AS CLEARLY AS IN THE POSITION WHICH LUTHER NOW TAKES ON HERESY. IN SPITE OF THE THREATENING CHARGES OF BEING A HERETIC HIMSELF, LUTHER HAS NOT YET TAKEN THE TROUBLE TO ACQUAINT HIMSELF MORE THOROUGHLY WITH THE DIFFERENT GROUPS OF HERETICS. BUT HE NOW PUTS HIMSELF IN SHARP OPPOSITION TO THE MANNER IN WHICH HERETICS HAVE BEEN TRADITIONALLY DONE AWAY WITH BY PAPALISTS AND CONCILIARISTS ALIKE. IT WOULD BE TOO SIMPLE TO EXPLAIN THIS CHANGE BY THE DANGER INTO WHICH HIS OWN LIFE HAS COME SINCE THE PUBLICATION OF HIS THESES. THE CHARGES OF HERESY WHICH ARE LEVELLED AGAINST HIM ARE AT THAT TIME KNOWN TO

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376. LW 31,174: "You see again how necessary it is to have an official and general council. But I am afraid our generation is not worthy enough to be granted such a boon." (WA 1,584,16)

HIM AS BASED ONLY ON RUMORS AND HEARSAY. THE POSSIBILITY OF BEING PUBLICLY CONDEMNED AS A HERETIC DOES NOT PREOCCUPY HIS MIND. YET IN BITING CRITICISM HE ACCUSES THE CHURCH LEADERS OF DISOBEDIENCE TO THE TESTIMONY OF THE HOLY SPIRIT FOR BURNING THE HERETICS INSTEAD OF OVERCOMING THE HERESIES BY DILIGENTLY SEEKING THE WAY OF A CONSENSUS.

> "A SHORTER WAY OUT OF THIS DIFFICULTY APPEALS TO US AND THAT IS NOT BY GETTING RID OF THE HERESIES AND ERRORS BUT BY BURNING THE HERETICS AND THOSE WHO ARE IN ERROR ... BY SO DOING WE ACT CONTRARY TO THE WILL OF THE SPIRIT, WHO WRITES THAT THE JEBUSITES AND CANAANITES SHOULD REMAIN IN THE LAND OF PROMISE IN ORDER THAT THE CHILDREN OF ISRAEL MIGHT LEARN TO FIGHT AND DEVELOP THE HABIT OF FIGHTING [JUDG. 3:1-6] ... SURELY, HOWEVER, THE APOSTLE IS WORTHY OF TRUST WHEN HE SAYS, 'THERE MUST BE HERESIES' [I. COR. 11:19]. BUT WE ANSWER, NOT AT ALL; THE HERETICS MUST BE BURNED AND THUS THE ROOT MUST BE TORN OUT WITH THE FRUIT, INDEED THE TARES ALONG WITH THE WHEAT [CF. MATT. 13:28-29]." 377

IN THE PRESENT DAY ECUMENICAL ENCOUNTER IT MUST BE REMEMBERED THAT LUTHER'S EXPOSITION OF THE POWER OF THE KEYS WAS PRESENTED TO A ROMAN CATHOLIC CHURCH WHICH HAD NOT YET MADE AN OFFICIAL ATTEMPT TO DEFINE THE EXTENT AND LIMIT OF PAPAL AUTHORITY. LUTHER'S DISCUSSION OF THE FUNCTIONS OF THE POPE AND THE MINISTRY OF THE CHURCH WAS IN HIS DAYS BOTH A BOLD LEAP FORWARD AND YET ALSO AN ATTEMPT WHICH HOPED TO BE ACCEPTABLE TO THE ENTIRE CHURCH. SIMPLY TO CALL HIS THEOLOGY OF FAITH "ECCLESIOLOGICALLY AMBIVALENT" [378] IS TO STOP SHORT JUST AT THAT POINT WHICH TODAY DEMANDS KEEN ATTENTION FROM ROMAN CATHOLICS AND PROTESTANTS ALIKE. IT IS TRUE LUTHER DID NOT CONSIDER THE PAPACY AS A FACTOR WHICH CONSTITUTES THE CHURCH AND THEREFORE CAN BE USED AS AN ABSOLUTELY BINDING AUTHORITY IN THE LIFE OF THE CHURCH. BUT HE SOUGHT TO DEFEND THE PAPAL OFFICE AS A FUNCTION WHICH "IN A GENERAL WAY" WOULD REP-

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377. LW 31, 245 (WA 1,624,35)

378. TODD, OP. CIT., P. 283

RESENT THE MINISTRY OF THE ENTIRE CHURCH WHICH WAS CARRIED OUT BY THE BISHOPS "IN A PARTICULAR WAY" IN THE DIOCESES AND BY EACH CHRISTIAN "IN AN INDIVIDUAL WAY" IN HIS OWN CIRCLE.[379] FOR THIS PURPOSE HE FITTED THE PAPAL OFFICE INTO THE STRUCTURE OF A CONFESSIONAL CHURCH AND THUS LIMITED THE EXTENT OF ITS AUTHORITY. THE FREE TESTIMONY OF THE HOLY SPIRIT TO JESUS CHRIST WAS NOT TO BE SUBJECTED TO THE AUTHORITY OF A MECHANICAL LINE OF A HISTORICAL OR JURIDICAL SUCCESSION IN AN OFFICE.[380] A PRIMACY OF THE POPE IN SERVING THE PRESENT LORD AS HIS MOST FAITHFUL WITNESS HOWEVER WAS NOT TO BE EXCLUDED FROM BUT INCLUDED IN THIS CHURCH MADE UP BY ALL WHO CONFESS JESUS CHRIST. LUTHER FEELS THAT THIS TYPE OF PAPAL PRIMACY WAS MUCH BETTER PRESERVED BEFORE THE REFORMS

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379. LW 31, 157; CF. SUPRA, P. 160, NOTE 373 (WA 1,574,6)

380. FOR A CONTEMPORARY REFORMULATION OF LUTHER'S CONCEPT ON PAPAL PRIMACY CF. KD 1/1, P. 106: "THE DIFFERENCE BETWEEN THE PROTESTANT AND CATHOLIC VIEW CONCERNS ALSO HERE NOT THE THAT BUT THE HOW. AND EVEN WITH REGARD TO THE HOW NO PRINCIPAL OBJECTION CAN BE RAISED FROM OUR SIDE AGAINST THE CONCENTRATION OF THE APOSTOLATE IN PETER NOR AGAINST THE POSSIBILITY OF A PRIMACY IN THE CHURCH, WHICH THEN MIGHT POSSIBLY BE ALSO THAT OF THE ROMAN CONGREGATION. THE PROTEST OF PROTESTANTISM IN THE PROBLEM OF THE SUCCESSION IS EXCLUSIVELY DIRECTED AGAINST THE FACT THAT THE TU ES PETRUS ETC. IS MECHANICALLY APPLIED - OVER THE HEAD OF THE FIRST PETER - TO EVERY FOLLOWING ROMAN BISHOP AS A SECOND, THIRD, AND HUNDREDTH PETER ... AND THE REASON FOR THIS PROTEST IS THAT WITHIN THESE CIRCUMSTANCES THE APOSTOLICITY MUST BE NECESSARILY CHANGED FROM A DIVINE GIFT AND A HUMAN TASK TO A GUARANTEED HUMAN POSSESSION." ("DIE DIFFERENZ ZWISCHEN EVANGELISCHER UND KATHOLISCHER ANSCHAUUNG BESTEHT ALSO AUCH HIER NICHT HINSICHTLICH DES DASS, SONDERN HINSICHTLICH DES WIE. UND AUCH HINSICHTLICH DES WIE KANN UNSERERSEITS WEDER GEGEN DIE ZUSAMMENFASSUNG DES APOSTOLATS IN PETRUS, NOCH AUCH GEGEN DIE MOEGLICHKEIT EINES PRIMATS IN DER KIRCHE, DER DANN JA AUCH DERJENIGE DER ROEMISCHEN GEMEINDE SEIN KOENNTE, GRUNDSAETZLICHER EINSPRUCH ERHOBEN WERDEN. DER PROTEST DES PROTESTANTISMUS IN DER SUKZESSIONSFRAGE RICHTET SICH EINZIG UND ALLEIN DAGEGEN, DASS DAS TU ES PETRUS USW. UEBER DEN KOPF DES ERSTEN PETRUS HINWEG MECHANISCH AUF JEDEN FOLGENDEN ROEMISCHEN BISCHOF ALS ZWEITEN, DRITTEN UND HUNDERTSTEN PETRUS BEZOGEN WIRD, ... UND DER GRUND DIESES PROTESTES IST DER, DASS APOSTOLIZITAET UNTER JENEN UMSTAENDEN AUS EINER GOETTLICHEN GABE UND MENSCHLICHEN AUFGABE ZU EINEM GESICHERTEN MENSCHLICHEN BESTTZ WERDEN MUSS.")

of Gregory VII and its antecedents. Going back to Gregory I, he writes: "Indeed let us imagine the Roman church were still to this day as it was at the time of St. Gregory, when it was not above other churches, at least not above that of Greece."[381] This is more than the return to a romantic past. It is above all an attempt to establish a relationship between the pope and those churches which have been separated from Rome since the time that the Roman pontiff claimed a supremacy of power over the others.

In the meantime we have learned that Luther in many points anticipated merely the developments which in our days suddenly have begun to break forth in Roman Catholicism. Contrary to the first shock with which Protestants reacted to the first Vatican Council as the culmination of a papal supremacy of power, we are now given to understand that the dogmatization of papal infallibility of 1870 is to be interpreted as the first significant attempt of limiting papal authority by defining it.[382] Contemporary Roman Catholic leaders maintain that the infallibility accorded to the pope is by no means to be

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381. LW 31, 152; WA 1, 571, 16: "immo finge ... Romanam ecclesiam esse, qualis erat etiam adhuc tempore B. Gregorii, quando non erat super alias ecclesias, saltem Graeciae, ..."

382. Kueng, op. cit., p. 330f: "Outside the catholic church the Vatican definition is all too often regarded as the unsurpassable culmination of concentrating the doctrinal power in the pope and as the establishment of an unlimited papal infallibility. But the fact is that precisely this definition means a very clear LIMITATION compared to what often was asserted concerning the infallibility of the pope in the catholic church before the council." ("Allzuoft wird ausserhalb der katholischen Kirche die vatikanische Definition als der unueberbietbare Hoehepunkt der Konzentration der Lehrgewalt im Papst und als die Aufrichtung einer schrankenlosen paepstlichen Unfehlbarkeit betrachtet. Dabei ist die Tatsache, dass gerade diese Definition eine sehr deutliche Beschraenkung bedeutet gegenueber dem, was vor dem Konzil von der Unfehlbarkeit des Papstes in der katholischen Kirche vielfach behauptet worden war.")

UNDERSTOOD AS AN ABSOLUTE INFALLIBILITY.[383] A FULL EXPOSITION OF HOW ONE IS TO UNDERSTAND AN INFALLIBILITY THAT IS NOT ABSOLUTE HAS NOT YET COME FORTH. BUT THIS IS A DISCUSSION WHICH DOES NOT FALL WITHIN THE SCOPE OF THE PRESENT STUDY; IT IS SUFFICIENT TO POINT OUT THAT A SERIOUS ATTEMPT IS BEING MADE TO SET LIMITS TO THE PAPAL CLAIM TO SUPREMACY. PRECISELY THIS LIMITATION WAS LUTHER'S SINCERE CONCERN; FOR IN HIS DAYS NO LIMITATIONS OF THE PAPAL POWER WERE RECOGNIZED IN ROME. WHEN PIUS II FORBADE THE APPEAL FROM THE ROMAN PONTIFF TO A COUNCIL IN THE BULL "EXSECRABILIS" OF 1460,[384] AND WHEN LEO X REITERATED THE CLAIM OF BONIFACE VIII TO THE SUPREME AUTHORITY OVER ALL SPIRITUAL AND TEMPORAL POWERS DEMANDING THAT IT IS NECESSARY FOR SALVATION FOR ALL CHRISTIANS TO BE SUBJECT TO THE ROMAN PONTIFF IN THE BULL "PASTOR AETERNUS" OF 1516,[385] NEITHER OF THEM MADE MENTION OF A LIMITATION TO MATTERS OF FAITH AND MORALS ON WHICH THE POPE SPEAKS EX CATHEDRA. IF IN LUTHER'S DAYS THE SAME CAREFUL ATTENTION WOULD HAVE BEEN GIVEN TO A LIMITATION OF THE PAPAL OFFICE, TO THE RESTORATION OF A SINCERE LOVE FOR THE BRETHREN SEPARATED FROM ROME INSTEAD OF THREATENING TO BURN THEM, IN SHORT TO THE TRIPLE OFFICE OF CHRIST AS THE SOLE PASTOR, PROPHET, AND KING OF GOD'S PEOPLE WHICH HAS BECOME THE CENTRAL THEME OF THE SECOND VATICAN COUNCIL, IT IS QUITE CONCEIVABLE THAT

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383. IBID., P. 332: "ABSOLUTE INFALLIBILITY IS DUE ONLY TO GOD; TO THE POPE ABSOLUTE INFALLIBILITY IS DUE IN NO WISE ... INFALLIBILITY IS NOT GRANTED TO THE POPE EXCEPT WITH REGARD TO A DEFINITE PURPOSE. IT IS SUBJECTED TO VERY DEFINITE LIMITATIONS AND CONDITIONS." ("ABSOLUTE UNFEHLBARKEIT KOMMT GOTT ALLEIN ZU; DEM PAPST KOMMT IN KEINER HINSICHT EINE ABSOLUTE UNFEHLBARKEIT ZU. ... UNFEHLBARKEIT IST DEM PAPST NUR IM HINBLICK AUF EIN BESTIMMTES ZIEL MITGETEILT. SIE IST GANZ BESTIMMTEN GRENZEN UND BEDINGUNGEN UNTERWORFEN.") - ITALICS ARE KUENG'S.

384. DENZINGER, OP. CIT., NR. 717, P. 267

385. MIRBT, OP. CIT., 2ND EDITION, NR. 270, P. 178

LUTHER WOULD NEVER HAVE BECOME A REFORMER.[386] HIS THESES WOULD NOT HAVE CAUSED THE SLIGHTEST STIR, AND IN ALL LIKELIHOOD LUTHER WOULD HAVE BEEN CONTENT TO DELIVER HIS LECTURES AT THE UNIVERSITY WITH A PURELY ACADEMIC DEBATE THROWN IN FROM TIME TO TIME. BUT HERE WE ARE LEAVING THE FIELD OF HISTORICAL ANALYSIS. THE FACT IS THAT THESE LIMITATIONS OF PAPAL POWER WERE NOT RECOGNIZED IN HIS DAYS, THAT HIS THESES THEREFORE CAUSED AN UPROAR IN THE CHURCH, AND THAT THE LIMITATIONS WHICH HE PROPOSED FOR THE PAPAL OFFICE WENT BEYOND ANYTHING WHICH HAS SO FAR BEEN ELABORATED BY EVEN THE MOST ADVANCED THEOLOGIANS OF THE ROMAN CATHOLIC "AGGIORNAMENTO". IN THE EFFORT TO DEMONSTRATE THE LINK BY WHICH THE POPE IS BOUND TO THE COMMUNION OF ALL BELIEVERS, ROMAN CATHOLIC THEOLOGIANS EMPHASIZE THAT THE POPE, ALTHOUGH HE DOES NOT NEED THE FORMAL CONSENSUS OF THE CHURCH, MAY NOT DEFINE A MATTER WITHOUT THE GENERAL DISPOSITION OF THE CHURCH, "SINE SENSU ECCLESIAE".[387] WHILE THE PAPAL DECISIONS ARE IRREFORMABLE NOT "EX CONSENSU ECCLESIAE", THEY SHOULD NOT BE MADE "CONTRA CONSENSUM ECCLESIAE".[388] THIS IS WHAT ROMAN CATHOLIC DOGMATICIANS DECLARE TODAY. BUT THESE DEFINITIONS STILL RETAIN FOR THE POPE THE FINAL DECISION ON WHAT IS THE CONSENSUS OF THE CHURCH. AS KUENG ADMITS, "IF THE POPE SO WILLS, HE EVENTUALLY

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386. CF. BAINTON: HERE I STAND, OP. CIT., P. 65: "PROMPT AND STRAIGHTFORWARD ACTION MIGHT HAVE ALLAYED THE OUTBURST."

387. KUENG, OP. CIT., P. 335: "IT IS TRUE THE POPE DOES NOT NEED FOR THE DEFINITION THE FORMAL CONSENSUS ECCLESIAE; YET HE MAY NOT DEFINE WITHOUT THE SENSUS ECCLESIAE." ("ZWAR BRAUCHT DER PAPST FUER DIE DEFINITION NICHT DEN FORMELLEN CONSENSUS ECCLESIAE, DOCH DARF ER NICHT DEFINIEREN OHNE DEN SENSUS ECCLESIAE.")

388. IBID., P. 338: "CERTAINLY HIS DEFINITIONS ARE NOT 'EX CONSENSU ECCLESIAE IRREFORMABILES' ... BUT DOES THIS MEAN THAT THE POPE MAY DEFINE A STATEMENT OF FAITH AGAINST THE WILL OF THE ENTIRE CHURCH, 'CONTRA CONSENSUM ECCLESIAE'?" ("GEWISS SIND SEINE DEFINITIONEN NICHT 'EX CONSENSU ECCLESIAE IRREFORMABILES' ... ABER HEISST DAS, DASS DER PAPST EINE GLAUBENSAUSSAGE GEGEN DEN WILLEN DER GESAMTKIRCHE, 'CONTRA CONSENSUM ECCLESIAE', DEFINIEREN KOENNTE?")

CAN STILL DO ALL ALONE WITHOUT THE CHURCH."[389] LUTHER HOWEVER FELT THAT THE ESTABLISHMENT OF A CONSENSUS OF THE CHURCH DESERVES PRIORITY TO THE DEFENSE OF AN ESTABLISHED UNITY UNDER THE POWER OF THE PAPAL OFFICE. IT IS THEREFORE NOT WITHOUT JUSTIFICATION THAT HE CLAIMS TO LOVE THE CHURCH AND SEEK ITS UNITY.

> "EVEN IF MY FRIENDS HAVE BEEN CALLING ME A HERETIC, AN IRREVERENT PERSON, AND A BLASPHEMER FOR A LONG TIME BECAUSE I DO NOT INTERPRET THE CHURCH OF CHRIST AND THE HOLY SCRIPTURES IN A CATHOLIC SENSE, NEVERTHELESS, RELYING UPON MY CONSCIENCE, I BELIEVE THAT THEY DECEIVE THEMSELVES, BUT THAT I CHERISH THE CHURCH OF CHRIST AND ITS HONOR. HOWEVER, 'IT IS THE LORD WHO JUDGES ME ALTHOUGH I AM NOT AWARE OF ANYTHING AGAINST MYSELF' [CF. I. COR. 4:4]." 390

THE POWER OF DISSENT

THE "EXPLANATIONS OF THE NINETY-FIVE THESES" HAD BEEN WORKED OUT IN COMPARATIVE TRANQUILITY. THE OPPOSITION AGAINST WHICH LUTHER HAD TO DEFEND HIMSELF IN THEM WERE THE SHOUTS OF INDIGNATION UTTERED BY ISOLATED INDIVIDUALS, SUCH AS THE INDULGENCE PREACHERS, OR TETZEL'S FELLOW DOMINICANS, OR SIMPLY PEOPLE WHO RAGED AGAINST HIM ON THE BASIS OF RUMORS. HE HAD NOT YET AN IDEA OF THE OFFICIAL CHARGE WHICH WAS BEING PREPARED AGAINST HIM IN ROME. YET THIS WAS SOON TO CHANGE.

THE SUPREME JUDGE OF THE ROMAN CURIA, GIROLAMO GHINUCCI OF SIENA, BISHOP OF ASCOLI, TURNED LUTHER'S CASE OVER TO SILVESTER PRIERIAS, THE MASTER OF THE SACRED PALACE OF THE POPE WHO WAS A DOMINICAN AND ONE OF THE PAPAL THEOLOGICAL

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389. IBID., P. 337: "WENN DER PAPST NUR WILL, SO KANN ER SCHLIESSLICH AUCH ALLES OHNE DIE KIRCHE ALLEIN."

390. LW 31, 246 (WA 1,625,25)

EXPERTS, DURING MAY 1518.[391] PRIERIAS HAD THE GOOD FORTUNE THAT THE COPY OF THE "EXPLANATIONS" WHICH WAS DESTINED FOR THE POPE ARRIVED JUST IN TIME FOR THE PREPARATION OF HIS REPRIMAND OF THE WITTENBERG PROFESSOR.[392] THUS THERE WAS ENOUGH MATERIAL INTO WHICH HE COULD SINK HIS TEETH. LUTHER HAD ASKED: "IF THERE IS ANYONE WHO CAN INSTRUCT ME, LET HIM OFFER ME A HELPING HAND AND CONSIDER MY MOTIVES."[393] PRIERIAS WAS ONLY TOO GLAD TO DO HIM THIS FAVOR. HIS "DISCUSSION OF THE PRESUMPTUOUS CONCLUSIONS OF MARTIN LUTHER" WAS QUICKLY DRAWN UP WHICH SHOWED THE SEVERAL POINTS AT WHICH LUTHER HAD COMMITTED GRAVE ERRORS IN HIS DEFINITION OF THE PAPAL OFFICE.

BY DOING HIS WORK WITH TOO MUCH OF A FLOURISH, PRIERIAS HOWEVER OVERLOOKED A NASTY SNARE BUILT INTO LUTHER'S ARGUMENT. IN THE "EXPLANATIONS" THE WITTENBERGER HAD INSISTED THAT HE WAS NOT TO BE OPPOSED SOLELY WITH THE AUTHORITY OF "THE MERE OPINIONS OF ST. THOMAS, BONAVENTURA, OR OTHER SCHOLASTICS OR CANONISTS WHICH ARE MAINTAINED WITHOUT TEXT AND PROOF."[394] IN ORDER TO BE TRULY CATHOLIC, THE DISCUSSION WAS TO BE BASED ON

> "FIRST OF ALL, WHAT IS IN THE HOLY SCRIPTURES AND CAN BE MAINTAINED FROM THEM; AND THEN WHAT IS IN AND FROM THE WRITINGS OF THE CHURCH FATHERS AND IS ACCEPTED BY THE ROMAN CHURCH AND PRESERVED BOTH IN THE CUSTOMS AND THE PAPAL DECREES." 395

THIS SOUNDED ACCEPTABLE ENOUGH EVEN TO THE MOST ARDENT DEFENDER OF PAPAL SUPREMACY. BUT THIS BROAD FORMULATION BLURRED THE ISSUE WHICH WAS AT STAKE HERE RATHER THAN CLARIFIED IT. THE REAL PROBLEM WAS NOT THE AUTHORITY OF

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391. SCHWIEBERT, OP. CIT., P. 338

392. WA 1, 522

393. LW 31, 89 (WA 1,534,22)

394. LW 31, 83 (WA 1,530,5)

395. LW 31, 83 (WA 1,529,33)

Thomas Aquinas or Bonaventura but the question whether the final authority was to be scripture as interpreted by the customs and papal decretals of the Roman church or the customs and papal decretals as interpreted by scripture. By implication Luther demanded the acceptance of the second definition. He quietly assumed that the order in which he had listed his authorities was more than a merely numerical arrangement. It was also an order which was to determine the value which each one of them was to be accorded. Luther thus departed from more than the theology of Saint Thomas. His dissent was from the generally accepted concept of the catholic faith as established by the definitions which in the wake of the Gregorian reforms Gratian had formulated in the twelfth century.[396] The fact that Luther did not want to acknowledge clearly the full extent of his dissent by singling out his opponents merely as "Thomists" did not help to clarify the central issue in the conflicts which lay ahead.

When Prierias as a good Dominican reproved the biblical professor with arguments drawn from Thomas, Luther shot back at him in his public reply of August 1518:

> "Who has given you or the godly Thomas such an authority as to divide the very plain word of the plainest and only doctor, Christ, into three sections? Is this still to interpret scripture or not rather to butcher it up? ... I do not believe Thomas; and Silvester, even if he is the Master of the Palace etc., I deny." [397]

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396. Gratian: "Concordia discordantium canonum", Pars I, dist. 21, can. II, in Migne; op. cit., vol. 187, p. 114A: "To be blamed are those who either do not have the decretals of the Roman Pontiffs or who do not observe them ... If you do not have the decretals of the Roman Pontiffs, you are to be accused of neglect and carelessness. But if you have them and you do not observe them, then you are to be blamed and scolded for your wilfulness." ("Corripiendi sunt, qui decreta Romanorum Pontificum non habent, vel non observant ... Si decreta Romanorum Pontificum non habetis de neglectu atque incuria estis arguendi. Si vero habetis et non observatis, de temeritate estis corripiendi et increpandi.")

397. WA 1,650, 18: "... quis dedit tibi aut Divo Thomae hanc potestatem, ut verbum simplicissimum simplicissimi et unici doctoris Christi in tres dividieres sectas? Hoccine est Scripturam interpretari, an potius dilacerare? ... Thomae non credo: Sylvestrum, etsi Palatii Magistrum, nego."

Thus he brushed aside the argument of the pope's theological adviser as being "sufficiently arrogant and plainly Italian and Thomist throughout",[398] not without a good share of arrogance on his part with which he asserted that " [the godly Thomas] just like you plods along with mere words, without scripture, without [references to] the fathers, without the canons, - in short without any reasons whatsoever."[399]

In reply to the threefold division of the church by Prierias into the pope as the effective power of the church (ecclesia virtualis), the cardinals as the public representation of the church (ecclesia repraesentativa) and the community of believers as the material of the church (ecclesia essentialis),[400] Luther snaps: "Both pope and council can err ... Thus I do not know the church to be effectively present except in Christ nor to be publicly represented except in a general council."[401] For good measure he pressed home a point which Prierias had not been able to fit into his tight formulation: "What do you make of a general council of the church, then? Is it not effective? Not representative? Not of the material?"[402]

The last question was a well-aimed shot certain to gain the favor of all who were interested in a general council. Nevertheless, the rebuff which

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398. WA 1, 647, 1: "satis superciliosus et plane totus Italicus et Thomisticus"

399. WA 1, 647, 32: "[Divus Thomas] ... aeque (ut tu) nudis verbis incedit, sine scriptura, sine patribus, sine Canonibus, denique sine ullis rationibus."

400. WA 1, 657, 10: "... Papa est virtualis Ecclesia, Cardinales repraesentativa, collectio fidelium essentialis..."

401. WA 1, 656, 32ff: "... tam Papa quam concilium potest errare ... Ego ecclesiam virtualiter non scio nisi in Christo, repraesentative non nisi in Concilio."

402. WA 1, 657, 11: "... quod vocabis Concilium generale Ecclesiae? non est virtualis? non repraesentativa? non essentialis?"

Luther gave Prierias was full of highly explosive stuff. The public confession that both pope and councils can err put Luther into a clear opposition to the entire doctrinal tradition which had been held for four centuries. To remove the last bit of doubt about his conviction he defied the power of the censures which the church might apply against him by exclaiming:

> "Christ lives: He not only lives but also reigns, not only in heaven but also in Rome, however much she may rage ... The censure of the church cannot separate me from the church if the truth binds me to the church. I would much rather be cursed and excommunicated by you and your likes ... than to be blessed together with you. The Lord's I am. If I perish, I perish for the Lord." 403

Judged by the principle of authority of Luther's confessional church, this reply to Prierias was not necessarily a departure from the catholic faith. Yet judged by the established canons of a hierarchically constituted church, this answer to the official spokesman of the supreme pontiff gave sufficient reason for a charge of heresy. The only extenuating circumstance which might be conceded would be the fact that the outburst occurred in the heat of a debate. But then an acquittal would demand at least a recantation.

What made Luther think that he could get away with his provocative statements? Granted, he was a man with an unusual courage of faith. Granted also, he was a man whose quick temper let him often think of the consequences only after he had said what he said. But, then, why did he not simply leave, cross over the border to Bohemia, and practise his faith courageously together with the disciples of Hus? Why above all did he keep insisting that he

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403. WA 1, 680, 9: "Christus vivit: non solum vivit sed etiam regnat, non solum in coelo sed etiam in Roma, quantumlibet ipsa furiat ... Non separabit me censura Ecclesiae ab Ecclesia, si iungat me veritas Ecclesiae. Malo esse a te et similibus ... maledictus et excommunicatus quam tecum benedictus. Nihil habeo quod possim perdere, domini ego sum: si perdor, domino perdor."

HONORED THE AUTHORITY OF THE SUPREME PONTIFF WHILE DETESTING THE OPINIONS AND ADULATIONS OF HIS REPRESENTATIVES?[404] DURING THIS SUMMER OF 1518 HE HAD HAD ALREADY A GLIMPSE OF THE INTRIGUES WITH WHICH HIS OPPONENTS WERE ASSEMBLING FORGED MATERIAL INCRIMINATING HIM IN ORDER TO BOLSTER THE CHARGE OF HERESY IN ROME.[405] THERE WAS NO REASON TO DOUBT THAT THE VIEW EXPRESSED BY THE MASTER OF THE SACRED PALACE WAS NOT THE ONE WHICH PREVAILED IN THE HOLY SEE. IT WOULD HAVE BEEN MORE THAN NAIVE TO QUESTION THE SERIOUSNESS WITH WHICH THE PAPAL OFFICE WAS GETTING READY TO SQUASH ANY ASSAULT ON THE PAPAL TIARA OF SUPREMACY OVER BOTH THE TEMPORAL AND SPIRITUAL POWERS, FOR WHICH HE HAD DERIDED THE POPE'S THEOLOGICAL ADVISER:

> "I PRAY THEE, HOW MANY MONSTERS WILL WE COUNT AMONG THE GOOD DEEDS IN THE CHURCH! THE FRIGHTFUL SHEDDING OF CHRISTIAN BLOOD BY JULIUS II? THE ABOMINABLE TYRANNY OF BONIFACE VIII IN ALL THE WORLD? ... OF WHOM THE PROVERB SAYS: 'HE ENTERED LIKE A FOX, REIGNED LIKE A LION, AND DIED LIKE A DOG.' WHY DO YOU NOT FINALLY PERSUADE US ... TO RESPECT ALL THESE ATROCITIES IN THE CHURCH, WHICH HAVE BEEN TOO LONG INTOLERABLE, AS THE MOST HOLY DEEDS OF THE CHURCH?" [406]

THIS REJOINDER TO PRIERIAS READS LIKE THE ANSWER OF A MADMAN; FOR TOGETHER WITH THE TRACT OF THE DOMINICAN, LUTHER HAD BEEN SERVED - WITH THE SAME MAIL ON AUGUST 7TH, 1518 - ALSO THE OFFICIAL SUMMONS TO PRESENT HIMSELF IN ROME

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404. WA 1, 670, 3: "THE AUTHORITY OF THE HIGHEST PONTIFF I HONOR, AS IT SHOULD BE, BUT YOUR OPINIONS OR ADULATIONS I DETEST ..." ("SUMMI PONTIFICIS POTESTATEM HONORO, SICUT DECET, VESTRAS AUTEM VEL OPINIONES VEL ADULATIONES CONTEMNO.")

405. FOR A DETAILED ACCOUNT OF THE INTRIGUES BY WHICH DOCUMENTS INCRIMINATING LUTHER WERE FORGED AND GATHERED CF. SCHWIEBERT, *op. cit.*, PP. 338-344

406. WA 1, 657, 1: "... OBSECRO, QUANTA MONSTRA IN ECCLESIA PRO BENE FACTIS NUMERABIMUS? NONNE IULII SECUNDI HORRENDAS CHRISTIANI SANGUINIS EFFUSIONES? NONNE BONIFACII OCTAVI TYRANNIDES IN TOTO ORBE ABHOMINABILES...? DE QUO EXTAT PROVERBIUM 'INTRAVIT UT VULPES, REGNAVIT UT LEO, MORTUUS EST UT CANIS.' NON EO NOBIS TANDEM PERSUADEAS, UT ... OMNIA ILLA IAM DIU INTOLERABILIA PORTENTA IN ECCLESIA PRO FACTIS SANCTISSIMIS ECCLESIAE COLAMUS?"

FOR HIS DISCIPLINARY TRIAL ON THE SUSPICION OF HERESY WITHIN SIXTY DAYS. IF HE WANTED TO PASS OFF PRIERIAS' "DISCUSSION" AS THE SINGULAR VIEW OF A STRANGE THOMIST, THE OFFICIAL CITATION COULD NOT BE MET WITH SCOFFING ONLY. WHAT GAVE LUTHER STRENGTH IN THESE ENORMOUS TENSIONS WAS MORE THAN HIS PERSONAL BELIEF. HE WAS NOT ONLY CONVINCED THAT HE WAS RIGHT IN HIS INTERPRETATION OF THE FAITH OF THE CHURCH. HE ALSO WAS DEEPLY CONVINCED THAT HE DID NOT DEFEND HIS DOCTRINE OF THE CHURCH IN VAIN. HIS CONFESSION OF CHRIST'S SOLE MEDIATORSHIP WOULD NOT GO UNHEARD WITHIN THAT ROMAN CATHOLIC CHURCH WHICH THROUGH HER OWN WITNESS HAD POINTED AND DIRECTED HIM TO THE FAITH IN CHRIST WHICH HE HAD. RELYING ON THE WORK OF THE HOLY SPIRIT IN THE CHURCH, HE WAS SURE THAT HIS DISSENT WOULD ULTIMATELY FIND THE SUPPORT OF THE COMMUNITY OF BELIEVERS, AND EVEN OF THE POPES TO THE EXTENT IN WHICH THEY PARTICIPATED IN THIS COMMUNITY.

THIS CONVICTION WAS NOT THE ASSUMPTION OF A MADMAN. THE PAPAL CLAIM TO SOVEREIGNTY OVER THE SPIRITUAL AND TEMPORAL POWERS MIGHT STILL BE DEFENDED IN ROME AS AN ARTICLE OF FAITH NECESSARY FOR SALVATION. BUT IT WAS BASED ON A WEAK FOUNDATION. IT WAS NO LONGER SERIOUSLY RECOGNIZED BY ALL THE CHRISTIANS. "MAXIMILIAN AND GERMANY DO NOT RECOGNIZE THIS NOR DO THEY BELIEVE THIS", LUTHER ADVISED PRIERIAS NOT WITHOUT JUSTIFICATION. "VOID OF PURPOSE IS THEN THE MOST HOLY AS WELL AS THE COMMON GOOD BECAUSE YOU GET STONE AND WOOD ALL MIXED UP FOR US. IN THIS MANNER THE QUESTIONS OF THE LAYMEN WILL NOT BE ANSWERED."[407]

LUTHER REALIZED THAT HIS CONFESSION WOULD HAVE VERY LITTLE CHANCE OF GETTING A PUBLIC HEARING IF HE WERE TRIED IN ROME. IT WAS NECESSARY TO HAVE

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407. WA 1, 685, 30: "... MAXIMILIANUS ET GERMANIA ID NON NOVERUNT NEQUE CREDUNT. ... FRUSTRA QUOQUE CELEBERRIMUM ILLUD ET COMMUNE BONUM, QUOD EST LAPIDES ET LIGNA NOBIS IACTITAS. NON ENIM PER HOC SOLVUNTUR LAICORUM QUAESTIONES."

HIS CASE TRANSFERRED TO A TRIBUNAL PREFERABLY IN GERMANY. THIS COULD NOT BE DONE WITHOUT THE HELP OF THE EMPEROR. BUT THE PERSON ON WHOSE DECISION SUCH A TRANSFER WOULD PRINCIPALLY DEPEND WOULD BE THE SAXON ELECTOR WHO EXERCISED THE TEMPORAL JURISDICTION OVER LUTHER. IF THE HOLY SEE WOULD BE ABLE TO WIN THE SUPPORT OF FREDERIC THE WISE, LUTHER WOULD HAVE NO ESCAPE. ONE DAY AFTER RECEIVING THE OFFICIAL CITATION FROM ROME - TOGETHER WITH PRIERIAS' TRACT - LUTHER DISPATCHED A LETTER TO THE COURT CHAPLAIN OF FREDERIC THE WISE, GEORGE SPALATIN, WHO AT THIS TIME HAD ACCOMPANIED THE ELECTOR TO THE IMPERIAL DIET IN AUGSBURG. REMEMBERING THE PROTECTION WHICH FREDERIC HAD OFFERED HIM ALREADY IN MARCH, "WITHOUT BEING ASKED FOR IT", [408] AGAINST THE THREAT OF BEING TAKEN TO ROME, LUTHER WROTE ON AUGUST 8TH:

> "I NOW NEED YOUR HELP MORE THAN EVER, DEAR SPALATIN, OR RATHER THE HONOR OF OUR WHOLE UNIVERSITY NEEDS IT. I MEAN THAT I WANT YOU TO USE YOUR INFLUENCE WITH THE ELECTOR AND PFEFFINGER TO GET THE ELECTOR AND HIS IMPERIAL MAJESTY TO REQUEST THE POPE TO ALLOW MY CASE TO BE TRIED IN GERMANY ... FOR YOU SEE HOW SUBTLY AND MALICIOUSLY THOSE MURDEROUS DOMINICANS ARE ACTING FOR MY DESTRUCTION... THEY HAVE GIVEN ME BUT A SHORT TIME, AS YOU SEE BY THE CITATION, THAT LERNAEAN SWAMP [A SWAMP NEAR ARGOS ON THE PELOPONNESIAN PENINSULA] FULL OF HYDRAS AND OTHER MONSTERS. THEREFORE BE DILIGENT, IF YOU LOVE ME AND HATE INIQUITY, TO GET THE ADVICE AND AID OF THE ELECTOR AT ONCE." [409]

LUTHER'S PETITION REACHED THE ELECTOR JUST IN TIME. A SUITOR MORE POWERFUL THAN HE HAD ARRIVED AT THE SAME CONCLUSIONS. ONLY BY A FEW DAYS LUTHER'S LETTER WAS FOLLOWED BY THE APPEAL OF POPE LEO X TO THE ELECTOR WHICH CONTAINED THE FOLLOWING ADMONITION:

> "BELOVED SON, GREETING AND THE APOSTOLIC BLESSING! ... IT HAS COME TO OUR EARS FROM ALL QUARTERS THAT A CERTAIN SON OF INIQUITY, FRIAR MARTIN LUTHER ... FORGETTING HIS CLOTH AND PROFESSION, WHICH CONSISTS IN HUMILITY AND

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408. WA BR NR. 64; CF. SUPRA, P. 153, NOTE 351

409. PRESERVED SMITH, TRANS. AND ED.: LUTHER'S CORRESPONDENCE AND OTHER CONTEMPORARY LETTERS, THE LUTHERAN PUBLICATION SOCIETY, PHILADELPHIA, VOL. 1, 1913, NRO. 71, P. 100 (WA BR NR. 85)

> OBEDIENCE, SINFULLY VAUNTS HIMSELF IN THE CHURCH OF GOD, AND, AS THOUGH RELYING ON YOUR PROTECTION, FEARS THE AUTHORITY OR REBUKE OF NONE. ALTHOUGH WE KNOW THIS IS FALSE, YET WE THOUGHT GOOD TO WRITE TO YOUR LORDSHIP, EXHORTING YOU IN THE LORD, THAT FOR THE NAME AND FAME OF A GOOD CATHOLIC PRINCE SUCH AS YOU ARE, YOU SHOULD RETAIN THE SPLENDOR OF YOUR GLORY AND RACE UNSOILED BY THESE CALUMNIES ...
> AS WE ARE CERTAIN FROM THE REPORT OF MOST LEARNED AND RELIGIOUS MEN, AND ESPECIALLY OF OUR BELOVED SON, THE MASTER OF OUR SACRED PALACE, THAT LUTHER HAS DARED TO ASSERT AND PUBLICLY TO AFFIRM MANY IMPIOUS AND HERETICAL THINGS, WE HAVE ORDERED HIM TO BE SUMMONED TO MAKE ANSWER, AND WE HAVE CHARGED OUR BELOVED SON, CARDINAL CAJETAN, LEGATE OF THE HOLY SEE, A MAN VERSED IN ALL THEOLOGY AND PHILOSOPHY, TO BO WITH LUTHER AS SEEMS BEST ... WE AGAIN EXHORT YOUR LORDSHIP, FOR THE SAKE OF GOD'S HONOR AND OURS AND YOUR OWN, PLEASE TO GIVE HELP THAT THIS MARTIN LUTHER MAY BE DELIVERED INTO THE POWER AND JUDGMENT OF THE HOLY SEE, AS THE SAID LEGATE WILL REQUEST OF YOU." 410

FOR THE MOMENT THE ELECTOR DID NOT HAVE TO MAKE A DECISION OF HIS OWN BETWEEN THE TWO APPEALS. CARDINAL CAJETAN WHO ALSO WAS PRESENT AT THE DIET AS PAPAL LEGATE RECEIVED AT THE SAME TIME HIS INSTRUCTIONS FROM THE HOLY SEE WHICH SAID:

> "THAT YOU, AS SOON AS YOU HAVE RECEIVED THIS LETTER AND WITHOUT ANY DELAY, SINCE THIS MATTER IS BY REPORT AND ALSO BY ESTABLISHED FACT NOTORIOUS AND INEXCUSABLE AMONG US, DRIVE AND COMPEL THE SAID MARTIN, DECLARED A HERETIC BY THE SAID AUDITOR [GIROLAMO GHINUCCI], TO APPEARL PERSONALLY BEFORE YOU. TO ACCOMPLISH THIS, SECURE THE SUPPORT OF OUR MOST BELOVED SONS OF CHRIST, MAXIMILIAN, ELECTED EMPEROR OF THE ROMANS, AS WELL OF THE REMAINING GERMAN PRINCES, CITIES, CORPORATIONS, AND OTHER POWERS, ECCLESIASTICAL AS WELL AS SECULAR. AFTER HE HAD BEEN HANDED OVER TO YOU, HOLD HIM IN FAITHFUL CUSTODY UNTIL YOU HAVE FURTHER ORDER FROM US THAT HE BE BROUGHT BEFORE US AND THE APOSTOLIC CHAIR." 411

LUTHER WAS STILL UNAWARE OF THE POSSIBILITY OF SUCH A QUICK PROCESS OF ECCLESIASTICAL JURISDICTION WHICH PRONOUNCED HIM "A SON OF INIQUITY" BEFORE HIS TRIAL AND EVEN BEFORE THE PERIOD OF RESPONDING TO THE CITATION WAS UP. WHEN

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410. LETTER OF LEO X TO FREDERIC THE WISE OF AUGUST 23, 1518 IN SMITH, OP. CIT., NR. 74, P. 105

411. LETTER OF LEO X TO CARDINAL CAJETAN OF AUGUST 23, 1518 IN LW 31, P. 287. AS BAINTON POINTS OUT, THE AUTHENTICITY OF THIS DOCUMENT AS BEING WRITTEN WITH PAPAL APPROVAL HAS BEEN QUESTIONED SINCE "THE ORIGINAL IS NOT EXTANT". BUT THE SUMMARY CONDEMNATION OF LUTHER BY POPE LEO X CANNOT BE DOUBTED SINCE IT IS ALSO CONTAINED IN THE PONTIFF'S LETTER TO FREDERIC THE WISE, A DOCUMENT WHOSE AUTHENTICITY IS CLEARLY ESTABLISHED. BAINTON: HERE I STAND, OP. CIT., P. 71
(WA 2,23,27)

HE LEARNED OF IT A SHORT TIME LATER, HE WAS UNABLE TO BELIEVE THAT THE INSTRUCTIONS GIVEN TO CAJETAN HAD THE SUPPORT OF THE POPE'S AUTHORITY. ON NOVEMBER 25TH, 1518 HE PUBLISHED A BITTER COMMENT TO THESE EVENTS.

> "IS THAT THE CUSTOM AND PROCEDURE OF THE ROMAN CURIA THAT ON THE SAME DAY IT CITES, ADMONISHES, ACCUSES, JUDGES, CONDEMNS, AND DECLARES ONE GUILTY, EVEN ONE WHO IS FAR FROM ROME AND KNOWS NOTHING OF ALL THIS." 412

IN AUGSBURG CARDINAL CAJETAN COULD NOT HELP NOTICING DURING THE IMPERIAL DIET THAT THERE WAS A DECIDED DIFFERENCE IN THE GENERAL DISPOSITION OF THE CHURCH. TO APPLY KUENG'S TERM[413] TO THE CONCRETE SITUATION, ONE WOULD HAVE TO SAY: THE "SENSUS ECCLESIAE" WHICH WAS FELT IN ROME WAS SOMETHING QUITE DIFFERENT FROM WHAT MANIFESTED ITSELF IN AUGSBURG. INSTEAD OF GETTING THE DESIRED SUPPORT OF THE PRINCES FOR A PAPAL CRUSADE AGAINST THE TURKS AS WELL AS AN INCREASE IN PAPAL REVENUES, THE LEGATE HAD TO SIT STILL, FORCED TO LISTEN TO A RECITATION OF THE "GRIEVANCES OF THE GERMAN NATION" AGAINST THE POLICIES OF THE CURIA.[414] WITHIN THESE CIRCUMSTANCES IT DID NOT SEEM EXPEDIENT TO DEMAND OUTRIGHT THE EXTRADITION OF THE WITTENBERG PROFESSOR. THE CARDINAL MOST CERTAINLY FELT NO GREAT PERSONAL LOVE FOR THIS TROUBLEMAKER. YET BESIDES BEING A WELL-VERSED THEOLOGIAN, HE ALSO WAS AN EXPERIENCED CHURCH LEADER WHO REALIZED THAT IT WOULD BE BEST TO EXPLORE THE SECOND LINE OF ACTION WHICH THE PAPAL INSTRUCTIONS PERMITTED HIM TO FOLLOW.

> "IF HE SHOULD COME BEFORE YOU OF HIS OWN FREE WILL, SEEKING FORGIVENESS FOR THIS RASHNESS, AND IF AFTER A CHANGE OF HEART HE SHOULD SHOW SIGNS OF REPENTANCE, WE GIVE YOU THE AUTHORITY TO RECEIVE HIM INTO THE UNITY OF THE HOLY MOTHER CHURCH, WHICH NEVER CLOSES ITS BOSOM TO ONE WHO RETURNS TO HER." 415

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412. LW 31, 290 (WA 2,25,37)

413. KUENG, OP. CIT., P. 335; SUPRA, P. 166, NOTE 387

414. CF. BAINTON: HERE I STAND, OP. CIT., P. 70F

415. LW 31, 287 (WA 2,23,36)

Thus the papal legate and the elector agreed that Luther should be given a hearing before Cajetan in Augsburg and made the necessary arrangements for it. Frederic the Wise no doubt was relieved that the conciliatory attitude of the cardinal released him from making a decision against the clearly expressed desire of the supreme pontiff. On September 5th his court chaplain sent an exuberant report back to Wittenberg.

> "Cardinal Cajetan, unless he is deceiving both the prince and me, is not so adverse to you as only to pursue evil against you with the emperor and the leading people of the Holy Roman Empire. The other day he talked with our illustrous prince, who had approached him, both intimately and amply; this has given me great hope that he will be much more lenient and tolerant in your case than I had feared at first. ... Nobody calls you a heretic except the Tetzelians." 416

Nevertheless Luther's decisive interview with the papal legate was doomed to failure from the very start. To bring the bothersome affair to a quick and good end, the cardinal did not want anything but a sign of a change of heart in Luther. The reformer on the other hand expected to be shown where he had erred. Although he kept insisting: "I will never be a heretic; I may err in debate, but I wish to decide nothing.", 417 the two different principles of ecclesiastical authority were headed for an inescapable collision. Although Luther was not ready to admit to himself the full extent of the gap and still had hopes for a happy issue, 418 Staupitz, his superior and close friend,

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416. Spalatin's letter to Luther of September 5th, 1518, WA Br. Nr. 92: "Cardinalis Caietanus, nisi et Principem et me fallit, adeo abs te alienus non est, ut tantum in te mali moliatur apud Caesarem et Sacri Romani Imperii proceres. Locutus enim nuper cum Illustrissimo Principe nostro, qui eum accessit, et familiariter et copiose; magnam mihi spem fecit, multo futurum leniorem et tolerabiliorem in causa tua, quam timebam. ... Haereticum te non vocant nisi Tetzeliastiri."

417. Luther's letter to Spalatin of August 28th, 1518 in Smith, op. cit., Nr. 76, p. 109 (WA Br Nr. 87)

418. Luther's letter to Johannes Lang of September 16th, 1518 in Smith, op. cit., Nr. 81, p. 113: "the legate Cajetan has written to Rome to ask that my case be referred to a German tribunal and that I may expect that it will be. So I hope that I will not be censured." (WA Br Nr. 93)

realized clearly that a reconciliation had become impossible and wrote him a month before the hearing:

> "I see nothing waiting for you but the cross. Unless I mistake, the opinion prevails that no one should examine the Scripture without leave of the Pope in order to find for himself, which Christ certainly commands us to do ... I should like you to leave Wittenberg and come to me, that we may live and die together ... It is expedient thus to be, that abandoned we may follow abandoned Christ. Farewell, and a good journey to you." 419

The Augsburg meeting which had been meant to end the unrest in the German churches either through Luther's repentance or his arrest only helped to fan the general excitement over Luther. The papal legate had three interviews with the young teacher from Wittenberg on October 12th through 14th, 1518.[420] A few days before, Luther had been advised through a messenger of Cajetan that the simplest solution would be for him to "agree with the legate, return to the church, recant what I said ill".[421] Luther thus knew in advance the line the cardinal was to pursue and went to the first encounter not completely unprepared. Requested to recant, he tried to put the burden of the proof on Cajetan and wanted to know the reasons for such a request. This demand was understandable enough. But how was the cardinal to meet it? While he had some knowledge

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419. Staupitz' letter to Luther of September 14th, 1518 in Smith, op. cit., Nr. 80, p. 113. Some scholars question the traditional dating of this letter and assume that it was written after Luther's meeting with Cajetan in the beginning or the middle of December 1518, at a time when it was uncertain whether Luther would be allowed by the elector to remain in Saxony (cf. WA Br, Nr. 119). The point of our argument is however not called in question by this controversy. Staupitz was very much worried for Luther's life already before the interviews with Cajetan. Spalatin wrote Luther on September 5th, 1518, WA Br 92: "You have the Reverend Father John Staupitz very much worried for your life ..." ("Habes Patrem Iohannem Staupitium pro tuo capite soliticissimum ...")

420. Luther's own account of the meeting is found in WA 2, 6-26 and LW 31, 259-285; cf. the helpful commentaries of Schwiebert, op. cit., pp. 344-357 and Bainton: Here I Stand, op. cit., pp. 71-78.

421. Luther's letter to Spalatin of October 10th, 1518 in Smith, op. cit., Nr. 83, p. 116 (WA Br Nr. 97)

of the Ninety-Five Theses, he could not possibly be expected to have a thorough knowledge of all that Luther had said in connection with them. Nor could he be expected in the short time to have made an exact examination of the bulky material of the case separating what in fact had been said by Luther from what was alleged to be his sayings. He wanted to find out to what extent Luther was ready to accept as final the authority of the church as a sacred institution. The two men ended up in an argument over the interpretation of the bull "Unigenitus" of Clement VI of 1343.[422] It has been pointed out with justification that Cajetan's ability to interpret scripture in the light of the decretal was superior to Luther's ability to interpret the papal decretal in the light of scripture.[423] But the discussion was not a contest in the skill of interpreting. What was at stake was the confession of the church's final criterion of interpretation. Cajetan's statement that the authority of the pope is "above church councils, Scripture, and the entire church" was countered by Luther's denial "that the pope was superior to the council and scripture".[424] The next day Luther presented a formal declaration in which he submitted "to the judgment and the lawful conclusion of the holy church and of all who are better informed" instead of a recantation.

> "Above all I, brother Martin Luther, Augustinian, declare publicly that I cherish and follow the holy Roman Church in all my words and actions - present, past, and future. If I have said or shall say anything contrary to this, I wish it to be considered as not having been said." [425]

Yet he insisted that his teaching be investigated by:

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422. Denzinger, op. cit., p. 233f

423. Bainton: Here I Stand, op. cit., p. 72f

424. LW 31, 262 (WA 2,8,14)

425. LW 31, 263 (WA 2,8,27)

> "THE DOCTORS OF THE FAMED IMPERIAL UNIVERSITIES OF BASEL, FREIBURG, AND LOUVAIN, OR IF THIS IS NOT SATISFACTORY, ALSO OF PARIS, THE PARENT OF LEARNING AND FROM THE BEGINNING THE UNIVERSITY WHICH WAS MOST CHRISTIAN AND MOST RENOWNED IN THEOLOGY." 426

IN OTHER WORDS, HE QUESTIONED THE CAPACITY OF THE HOLY SEE TO JUDGE HIS TEACHING BY ITS OWN AUTHORITY. THE CARDINAL WAS OF NO MIND TO LAY DOWN HIS ARMS SO QUICKLY. HE BEGAN TO PRESS LUTHER ON THE POINT IN WHICH HE FELT TO HAVE A CERTAIN SUPERIORITY OVER HIM, AND DEMANDED A MORE SATISFACTORY INTERPRETATION OF THE PAPAL BULL THAN THE ONE WHICH LUTHER HAD OFFERED SO FAR. THE WITTENBERG PROFESSOR TRIED TO MEET THE DEMAND IN A WRITTEN EXPOSITION WHICH HE PRESENTED ON THE THIRD DAY. IT WAS "ONLY A MORE INGENIOUS AND LABORED EFFORT TO PLACE A FAVORABLE CONSTRUCTION ON THE DECRETAL". 427 A MONTH LATER, WHEN PUBLISHING HIS COMMENTS ON THE PROCEEDINGS AT AUGSBURG, LUTHER CONFESSED FRANKLY WHAT HE REFUSED TO ADMIT TO CAJETAN: "I REJECT, DAMN, AND DETEST THAT EXTRAVAGANTE AS FALSE AND ERRONEOUS, DESERVING OF REJECTION." 428

CAJETAN, HOWEVER, DID NOT NEED THIS BLUNT ADMISSION. WHEN LUTHER ON THE THIRD DAY STILL REFUSED TO RECANT, HE SENT HIM AWAY WITH THE ADVICE TO "STAY OUT OF HIS SIGHT". 429 STAUPITZ DECIDED THAT IT WOULD BE BETTER FOR LUTHER AS WELL AS FOR THE AUGUSTINIANS IF HE RELEASED THE FRIEND FROM THE MONASTIC VOW OF OBEDIENCE. 430 WHILE LUTHER'S RELATION TO THE VISIBLE CHURCH OF THOSE WHO CONFESS CHRIST'S LORDSHIP REMAINED UNCHANGED, THE TIES WHICH HELD HIM IN COMMUNION WITH THE ROMAN CHURCH BEGAN TO BREAK. LUTHER WAITED FOR FURTHER IN-

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426. IBID. (WA 2,9,7)

427. BAINTON: HERE I STAND, OP. CIT., P. 73

428. LW 31, 278 (WA 2,18,29)

429. LW 31, 275 (WA 2,16,24)

430. SCHWIEBERT, OP. CIT., P. 354; BAINTON: HERE I STAND, OP. CIT., P. 74

STRUCTIONS FROM THE CARDINAL FOR ANOTHER FOUR DAYS WHICH HE USED FOR FILING A FORMAL APPEAL "FROM THE BADLY INFORMED SUPREME PONTIFF TO ONE TO BE BETTER INFORMED".[431] THEN ONE NIGHT HE SLIPPED AWAY WITHOUT TAKING LEAVE FROM THE PAPAL LEGATE. HIS SECRET DEPARTURE WAS ONLY PARTIALLY DUE TO CAJETAN'S LAST ADVICE TO "STAY OUT OF HIS SIGHT". IT WAS ALSO DUE TO THE FEAR THAT THE LEGATE MIGHT DISREGARD THE IMPERIAL LETTER OF SAFE CONDUCT AND ARREST HIM. AS HE WROTE TO HIS COLLEAGUE, ANDREW CARLSTADT, IN WITTENBERG,

> "I KNOW THAT I WOULD BE THE MOST AGREEABLE AND DEAREST OF ALL, IF ONLY I WOULD SAY ONE WORD: 'REVOCO', THAT IS 'I RECANT'. BUT I WON'T MAKE MYSELF A HERETIC BY CONTRADICTING THE OPINION WHICH MADE ME A CHRISTIAN. I WILL DIE FIRST BY FIRE, OR BE EXILED AND CURSED." [432]

BUT LUTHER DID NOT SHARE IGNATIUS' DESIRE TO "BE FOUND A SACRIFICE TO GOD" AT ALL COST.[433] HE SAW NO NEED FOR LEADING THE CARDINAL INTO THE TEMPTATION OF HAVING HIM COMMITTED TO THE JAIL FIRST AND THEN TO THE STAKE. ON HIS WAY HOME HE BECAME ACQUAINTED WITH THE PAPAL INSTRUCTIONS WHICH ALREADY ON AUGUST 23RD HAD AUTHORIZED CAJETAN TO ARREST HIM AS A DECLARED HERETIC.[434] ALTHOUGH HE WAS UNABLE TO BELIEVE THAT THEY HAD BEEN ISSUED WITH THE CONSENT OF THE POPE, HE FILED ANOTHER FORMAL APPEAL ON HIS RETURN TO WITTENBERG. THIS

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431. LUTHER'S LETTER TO SPALATIN OF OCTOBER 31, 1518 IN WA BR NR. 105: "... A SUMMO PONTIFICE MALE INFORMATO AD EUNDEM MELIUS INFORMANDUM".

432. LUTHER'S LETTER TO ANDREW CARLSTADT OF OCTOBER 14TH, 1518 IN SMITH, OP. CIT., NR. 85, P. 120 (WA BR NR. 100)

433. IGNATIUS' EPISTLE TO THE ROMANS, CHAP. IV, IN THE ANTE-NICENE FATHERS, ED. BY A. ROBERTS AND J. DONALDSON, EERDMANS, GRAND RAPIDS, 1953, VOL. 1, P. 75: "SUFFER ME TO BECOME FOOD FOR THE WILD BEASTS ... THEN I SHALL BE A TRUE DISCIPLE OF JESUS CHRIST, WHEN THE WORLD SHALL NOT SEE SO MUCH AS MY BODY. ENTREAT THE LORD FOR ME, THAT BY THESE INSTRUMENTS I MAY BE FOUND A SACRIFICE TO GOD."

434. SUPRA, P. 177, FOOTNOTE 417

TIME IT WAS FROM THE POPE TO A COUNCIL "IN CASE THAT THE POPE SHOULD REJECT THE FIRST APPEAL THROUGH THE PLENITUDE OF HIS POWER, OR RATHER HIS TYRANNY".[435]

The decision of what to do with Luther was now in the hands of the Saxon elector who found himself in a most embarrassing position. Cajetan did not waste any time with his advice to Frederic the Wise "either to deliver Friar Martin to Rome or to expel him from his lands".[436] Whatever Frederic's personal feelings about Luther may have been,[437] the elector had no interest in bringing himself and his lands under a papal interdict for protecting a heretic. As Leo X had addressed him, he was a "catholic prince".[438] He might question a papal decision here or there but had no desire to be severed from the supreme pontiff of his church. Moreover, a papal interdict would have brought grave political consequences for his country - if indeed the pope should dare to take such a drastic measure against one of the most powerful German princes. On the other hand, Frederic was impressed by the support which Luther had been able to rally for his cause, especially at the Wittenberg university which the elector did not want to bring into jeopardy.[439] The safest course of action thus seemed to be to keep Luther without offending Rome. The arguments for such a course had already been provided by Luther's line of defense in Augs-

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435. Luther's letter to Spalatin of October 31st, 1518 in WA Br, Nr. 105: "... in eventum, quo hanc priorem appelationem de plenitudine potestatis, immo tyrannides refutaret papa."

436. Cajetan's letter to Frederic the Wise of October 25th, 1518 in WA Br 110: "... vel mittendo Fratrem Martinum ad Urbem, vel eiiciendo extra terras suas ..."

437. The best account of the elector's personal relations to the reformer is given by Kirn, op. cit., especially pp. 11f, 130-164.

438. Supra, p. 175, footnote 410

439. Schwiebert, op. cit., pp. 361-369

BURG. FREDERIC THUS ASSURED THE CARDINAL OF HIS UNSHAKEN LOYALTY TO THE CHURCH, BUT ALSO LET HIM KNOW THAT HE FOUND LUTHER'S REQUEST FOR A FAIR AND IMPARTIAL HEARING OF HIS CASE TO BE JUST AND NOT TO BE REJECTED OUT OF HAND. THE DIPLOMATIC NEGOTIATIONS WHICH FOLLOWED WERE SUDDENLY INTERRUPTED ON JANUARY 12TH, 1519. AN EVENT OF GREATER IMPORTANCE ABSORBED THE ATTENTION OF THE PARTICIPANTS, - THE DEATH OF EMPEROR MAXIMILIAN, AND THE QUESTION OF FINDING A SUITABLE SUCCESSOR. IN THIS MOMENT EVEN ROME COULD NOT AFFORD TO OVERSTRAIN ITS RELATIONS WITH ONE OF THE ELECTORS BY PRESSING FOR THE PERSECUTION OF A REBELLIOUS FRIAR. IF IT WERE POSSIBLE, FREDERIC'S HELP WAS NOW NEEDED TO KEEP THE GERMAN CROWN FROM FALLING EITHER TO THE FRENCH OR TO THE SPANISH KING.[440] UNABLE TO UNDERSTAND FULLY THE FORCE OF PLURALITY OF THE EMERGING INDEPENDENT NATIONAL STATES, THE HOLY SEE FEARED THE CONCENTRATION OF TOO MUCH POWER IN ONE HAND IF GERMANY WOULD BE ALLIED WITH SPAIN OR FRANCE.

THE CONTROVERSY ABOUT LUTHER, WHICH HAD ONLY BEEN FANNED BY THE EVENTS IN AUGSBURG, THUS SUBSIDED. ROME WAS NOT AT ALL UNHAPPY ABOUT THIS TURN OF THE TIDE. IF THE SAXON FRIAR WAS UNWILLING TO RECANT AND COULD NOT BE PULLED OUT OF HIS ELECTOR'S JURISDICTION, IT WAS BETTER TO PUBLICIZE THE SCANDAL AS LITTLE AS POSSIBLE. ALREADY BEFORE THE DEATH OF MAXIMILIAN, A REPRESENTATIVE OF THE CURIA HAD BEEN ABLE TO PERSUADE LUTHER AT LEAST TO KEEP QUIET. LUTHER HAD PROMISED TO DO SO IF HE WAS LEFT UNCHALLENGED.[441] HIS RADICAL STATEMENTS

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440. CF. SCHWIEBERT, OP. CIT., PP. 379-383; BAINTON: HERE I STAND, OP. CIT., PP. 78-82

441. LUTHER'S PROMISE GIVEN TO THE SPECIAL ENVOY OF THE POPE, CARL VON MILTITZ IN ALTENBURG ON JANUARY 4TH AND 5TH, OR 5TH AND 6TH, 1519. CF. LUTHER'S LETTER TO THE ELECTOR OF JANUARY 5TH OR 6TH, 1519 IN WA BR NR. 128

HAD FURNISHED AN ABUNDANCE OF MATERIAL FOR A CHARGE ON SUSPICION OF HERESY; BUT THE FINAL PROOF THAT HE WAS IN FACT A HERETIC HAD NOT BEEN ESTABLISHED IN AN OPEN TRIAL. BUT WHO SHOULD FURNISH SUCH A PUBLIC PROOF AT A TIME WHEN AFTER THE FAILURE OF CONCILIARISM THE PRINCIPLE OF PAPAL SUPREMACY WAS ACCEPTED BY MANY ONLY RELUCTANTLY AND WITH RESERVATIONS? THE CURRENTS IN THE CHURCH WHICH LUTHER HAD AGAINST HIMSELF WERE MUCH LESS POWERFUL THAN THE ONES WHICH HAD ENGULFED HUS A CENTURY AGO; FOR THE BOHEMIAN HAD HAD TO DEFEND HIS DISSENT AT A COUNCIL OF WHOSE MEMBERS A LARGE NUMBER WAS FILLED WITH THE ARDENT CONVICTION THAT THE CONCILIAR THEORY CONTAINED THE ANSWER FOR THE CHURCH'S AILMENTS, - IF ONLY IT COULD BE ENFORCED WITH ALL. BUT THIS FLAME HAD BURNED DOWN IN THE MEANTIME. NOW THE HOPES RAN LOW THAT CONCILIARISM OR PAPALISM WOULD PROVIDE THE STRENGTH FOR THE REFORM WHICH WAS DESIRED BY ALL.

NEVERTHELESS IT WAS NOT RIGHT TO LET SLEEPING DOGS LIE. THIS AT LEAST WAS THE OPINION OF ANOTHER YOUNG UNIVERSITY PROFESSOR, JOHN ECK OF INGOLSTADT. HE WAS A HUMANIST, ESPECIALLY NOTED FOR THE SKILLFUL USE OF HIS LEARNING IN PUBLIC DEBATES. ECK REALIZED THAT THE MISSING LINK IN THE LUTHER CONTROVERSY WAS A DEMONSTRATION THAT LUTHER REITERATED DOCTRINES ALREADY CONDEMNED AS HERETICAL IN PREVIOUS DECISIONS BY THE CHURCH AUTHORITIES. LUTHER COULD NOT BE STOPPED FROM CONTINUING HIS DISSENT BY ACCEPTING THE AUTHORITY OF THE POPE AND THEN OF QUESTIONING AND LIMITING IT BY THE PRINCIPLE OF SCRIPTURAL AUTHORITY, UNLESS HE WOULD BE CLEARLY LINKED TO A GROUP WHICH WAS GENERALLY HELD TO CONSIST OF HERETICS. THIS MEANT LUTHER HAD TO BE FORCED TO COME TO GRIPS WITH THE HISTORY OF THE CHURCH.[442] ECK HAD ALREADY MADE A FIRST ATTEMPT TO INDICATE SUCH A LINK BY CALLING CERTAIN OF LUTHER'S PROPOSITIONS "HALF-COOKED AND INSIP-

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442. BAINTON: HERE I STAND, OP. CIT., P. 88: "THE CONTESTANTS HAD TO COME TO GRIPS WITH HISTORY."

ID UNLESS YOU ADMIT THAT THEY SMELL OF BOHEMIA"[443] IN THE TWENTY-SECOND OF HIS "OBELISKS" WHICH HE HAD PUBLISHED ON THE APPEARANCE OF THE NINETY-FIVE THESES.

NOW ECK CHALLENGED LUTHER TO A PUBLIC DEBATE. THE PRINCIPAL POINT OF HIS ATTACK WAS THE STATEMENT IN LUTHER'S EXPLANATIONS THAT AT THE TIME OF GREGORY I THE ROMAN CHURCH WAS NOT YET ABOVE OTHER CHURCHES.[444] AS HE WROTE LUTHER ON FEBRUARY 19TH, 1519, HE WANTED TO CONVINCE HIM OF THE DOCTRINAL ERROR, IMPLIED IN THIS STATEMENT, THAT PAPACY CANNOT CLAIM A DIRECT DIVINE INSTITUTION. "IT IS CERTAIN THAT CHRIST WOULD NOT HAVE PERMITTED HIS CHURCH TO BE IN SUCH ERRORS FOR FOUR HUNDRED YEARS AS YOU IMAGINE."[445] HIS OWN THESIS WAS:

> "WE DENY THAT THE ROMAN CHURCH WAS NOT OVER OTHER CHURCHES BEFORE THE TIME OF SYLVESTER, BUT ON THE CONTRARY WE ASSERT THAT HE WHO POSSESSED THE SEAT AND FAITH OF ST. PETER WAS ALWAYS REGARDED AS THE SUCCESSOR OF PETER AND THE GENERAL VICAR OF CHRIST." 446

AS A RESULT LUTHER CAME CHARGING BACK INTO THE ARENA OF PUBLIC CONTROVERSY WITH HIS COUNTER-THESIS:

> "THE VERY FEEBLE DECREES OF THE ROMAN PONTIFFS WHICH HAVE APPEARED IN THE LAST FOUR HUNDRED YEARS PROVE THAT THE ROMAN CHURCH IS SUPERIOR TO ALL OTHERS. AGAINST THEM STAND THE HISTORY OF ELEVEN HUNDRED YEARS, THE TEXT OF DIVINE SCRIPTURE, AND THE DECREE OF THE COUNCIL OF NICEA, THE MOST SACRED OF ALL COUNCILS." 447

THIS WAS AN OVERSIMPLIFICATION OF CHURCH HISTORY WHICH IMPLIED THAT THE ROMAN CHURCH HAD NOT MADE ANY CLAIM TO SUPERIORITY FOR THE FIRST ELEVEN CENTURIES.

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443. WA 1, 305, 7: "... INCOCTAE ET INSIPIDAE, NISI DICAS QUOD BOHEMIAM SAPIANT." ECK'S ACCUSATION OF LUTHER FOR "BOHEMIANISM" ALREADY IN EARLY 1518 DISPROVES SCHWIEBERT'S OPINION THAT "THE WORD BOHEMIAN FLASHED INTO HIS MIND" JUST BY ACCIDENT WHEN HE WAS CORNERED BY LUTHER'S QUESTIONS DURING THE LEIPZIG DEBATE. (OP. CIT., P. 407)

444. LW 31, 152; SUPRA, P. 164, NOTE 381 (WA 1,571,16)

445. ECK'S LETTER TO LUTHER OF FEBRUARY 19TH, 1519 IN WA BR. 151: "GG. CERTUS, QUOD CHRISTUS ECCLESIAM SUAM IAM CCCC. ANNIS NON PERMISISSET IN ISTIS (UTI TU DIVINARIS) ERRORIBUS."

446. SCHWIEBERT, OP. CIT., P. 386, N. 10

447. LW 31, 318 (WA 2,161,35)

It would have been more correct to say that the Roman claims were quite old indeed but that they had not been fully accepted before the Gregorian reforms, and then only by one section of the Christian churches. But with such a formulation Luther would have only invited the question whether he numbered among those who accepted the Roman claim or those who rejected it. This however was the point on which Luther did not yet want to be too severely pressed.

The great debate was held in Leipzig under the sponsorship of Duke George of Saxony, the elector's cousin. Ironically enough, Eck's attempt to convict Luther publicly of heresy took place much against the will of the local church authorities. Bishop Adolph of Merseburg had large posters put up all over town which announced his "Inhibition". He felt that the question of the debate had been already sufficiently clarified through a new papal decree on indulgences of November 8th, 1518. The only result which the shepherd of this diocese could accomplish was that his "Inhibition" was disregarded and the person who had put them up was jailed for not having obtained the permission of the magistrate. The debate lasted over a week, from July 4th through 14th, 1519, and was preceded by another week of debates between Eck and Luther's friend Carlstadt.[448] After some fencing over the interpretation of the patristic sources on the doctrine of papal primacy, Eck moved into the center of the issue and charged Luther with the teaching of Hussite doctrines. Luther replied: "Any schism whatsoever has never pleased me and will not please me in all eternity." But he was unconvincing in trying to demonstrate the

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448. The documents which prepared the Leipzig debate are found in WA 2, 153-161, 180-240, the notes of the debate taken by the stenographers in WA 2, 250-383, Luther's commentary on the debate, WA 2, 388-435. A brief selection of texts is found in LW 31, 309-325.

FAULT OF THE HUSSITES. "THE BOHEMIANS ACT WRONGLY FOR SEPARATING THEMSELVES FROM OUR UNITY THROUGH THE ASSERTION OF THEIR OWN AUTHORITY, EVEN IF THEY MAY HAVE GOD'S LAW IN THEIR FAVOR, FOR THE HIGHEST DIVINE LAW IS LOVE AND UNITY OF THE SPIRIT."[449] HE WAS PULLED INTO A FIELD WHICHHHE HAD NEVER BOUND MUCH TO HIS TASTE. HE NOW HAD TO PAY A HEAVY PRICE FOR THE LACK OF A PERSONAL INTEREST IN THE DIFFERENT HERETICAL GROUPS. ECK RECOGNIZED THE WEAKNESS OF LUTHER'S ARGUMENT WHICH WOULD HAVE FITTED BETTER INTO HIS OWN DEFINITION OF HERESY AS THE SEPARATION FROM THE ROMAN PONTIFF. HE BEGAN TO PRESS LUTHER FOR A DEMONSTRATION OF THE DIFFERENCE WHICH SEPARATED LUTHER'S TEACHING FROM THAT OF HUS. BUT LUTHER DID NOT WANT TO DECLARE HIMSELF PUBLICLY A FELLOW-TRAVELLER OF HUS. BESIDES ACCOMPLISHING ECK'S CHIEF AIM IN THE DEBATE, SUCH AN ADMISSION WOULD HAVE ALIENATED HIM FROM HIS FELLOW SAXONS WHO STILL HAD TOO FRESH A MEMORY OF THE HUSSITE RAIDS. THEREFORE HE KEPT BEGGING THE QUESTION:

> "IT IS NOT THE SCHISM OF THE BOHEMIANS WHICH I WANT OR AM ABLE TO DEFEND, BUT THE GREEK CHURCH OF 1400 YEARS. WHETHER THE BOHEMIANS AGREE WITH HER MEANS NOTHING TO ME. I HOLD FOR CERTAIN THAT NEITHER THE ROMAN PONTIFF NOR ALL HIS FLATTERERS CAN EVER THROW OUT OF HEAVEN SUCH A GREAT NUMBER OF SAINTS BY STRENGTH OF THE POWER OF THE ROMAN PONTIFF." [450]

WHEN QUESTIONED ABOUT SPECIFIC DOCTRINAL ASSERTIONS OF HUS, LUTHER FINALLY WAS FORCED TO ADMIT THAT A GREAT TUMULT IN THE AUDIENCE:

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449. WA 2, 275, 37: "NUNQUAM MIHI PLACUIT NEC INETERNUM PLACEBIT QUODCUNQUE SCHISMA: INIQUE FACIUNT BOHEMI, QUOD SE AUCTORITATE PROPRIA SE SEPARANT A NOSTRA UNITATE, ETIAM SI IUS DIVINUM PRO EIS STARET, CUM SUPREMUM IUS DIVINUM SIT CHARITAS ET UNITAS SPIRITUS."

450. WA 2, 279, 5: "... ME NON VELLE NEC POSSE DEFENDERE BOHEMORUM SCHISMA, SED GRECAM ECCLESIAM MILLE ET QUADRIGENTORUM ANNORUM: SIVE CUM EA SENSERINT BOHEMI, NIHIL AD ME. CERTUM HABEO, QUOD NEC ROMANUS PONTIFEX NEC OMNES EIUS ADULATORES POSSINT TANTUM NUMERUM SANCTORUM SUB POTESTATE ROMANI PONTIFICIS NUMQUAM AGENTIUM DE CELO DETURBARE."

"Among the articles of John Hus or of the Bohemians there are many which are plainly most Christian and Evangelical, which cannot be condemned by the universal church ... Then as to the statement 'It is not necessary for salvation to believe the Roman church to be superior to the others,' I could not care less whether it is from Wycliff or Hus. I know however that Gregory of Nazianz, Basilius the Great, Epiphanius Cyprius and innumerable other Greek bishops are saved, although they never held this article." 451

Afterwards Eck was praised as the victor in the match. Even Luther admitted: "Meanwhile Eck is pleased with himself, celebrates his victory, and rules the roost." 452 No doubt the Ingolstadter had accomplished his main objective of demonstrating the striking similarity of Luther's teaching to that of John Hus. Thus he had inadvertently done his share in the formation of the Wittenberg reformer. But what had been the purpose of his demonstration? In whose service had his debating skills been used? He admitted that this was none of his concern.

"Although the Reverend Father [Luther] reproaches me for having taken the office of the judge, there is nothing to it. I am only the debater and have not said that he is a heretic. Only that his words favor and support the heretics and particularly the Bohemians. They do so in the strongest manner when he dares to say that terrible thing that some of John Hus' articles are most Christian and Evangelical even if they have been condemned by the Holy Council of Constance." 453

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451. WA 2, 279, 11: "... inter articulos Iohannis Huss vel Bohemorum multos esse plane Christianissimos et Euangelicos, quos non possit universalis ecclesia damnare ... Deinde ille 'Non est de necessitate salutis credere, Romanam ecclesiam esse aliis superiorem', sive sit Wikleff sive Huss, non curo: scio quod salvati sunt Gregorius Nazanzenus, Basilius magnus, Epiphanius Cyprius et innumerabiles alii Gretie Episcopi, et tamen hunc articulum non tenuerunt."

452. LW 31, 323 (WA Br Nr. 187)

453. WA 2, 290, 11: "Cum reverendus pater mihi improperet, quod iudicis occupaverim officium, nihil ad rem: sum disputator, neque hereticum dixi, sed dicta sua hereticis et maxime Bohemis favere et patrocinari, potissimum cum illud horrendum dicere auderet, aliquos articulos Iohannis Huss per concilium sacrum Constanciense reprobatos esse Christianissimos et Euangelicos."

Thus it was a sad victory, won in the name of that "headless church" which had sacrificed Hus without a purpose already a century before and whose decisions[454] were indispensible for the conviction of Luther as a heretic now.[455]

Luther on the other hand considered the debate a tragedy. He had defended his position against the claims of an unimpeachable office. He had made it very clear that he wanted to remain under the ministry of the pope, as an office not instituted by divine law but established by human arrangement in the course of history. He had done well in the defense of his confessional principle.

> "I believe that by this saying Matth. 16:18 'on this rock I will build my church' the Lord has referred to nothing else but the words with which Peter had replied to the Lord when saying: 'You are the Christ, the Son of the living God', for on this confession the church is built. Thus Christ has founded the church in Himself."[456]

But on another score he had done badly. Certainly he had left no doubt that his dissent from the church tradition of the last four centuries was offered not as a departure from the communion of his church but as a voice within this church. Yet he had been vague and undecided in his position in the case of those Christians who according to his own interpretation were wronged by his church, as in the case of the followers of Hus. But he was soon to set the record straight on this point.

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454. Cf. <u>supra</u>, p. 18, notes 33 and 34

455. LW 31, 325 (WA Br Nr. 187)

456. WA 2, 286, 21: "... per hanc dictionem non credo dominum aliud demonstrasse quam hec verba, que Petrus respondit domino cum dixit 'Tu es Christus, filius dei vivi', quia super illo articulo fidei fundata est ecclesia. Ergo super seipso fundavit Christus ecclesiam."

Luther's dispute with Eck had been followed with great interest in Prague. From there he now received letters of encouragement and a copy of Hus' "Libellus de Ecclesia".[457] After reading it, Luther confessed to Spalatin in the middle of February 1520: "Without knowing it we all have been Hussites. Ultimately even Paul and Augustine are literally Hussites."[458] To the general public Luther apologized for his omissions at the Leipzig debate in the tract "On the New Bulls and Lies of Eck" in the middle of October 1520:

> "At the Leipzig disputation I had unfortunately not yet read John Hus. Otherwise I would not have defended some of his articles condemned at Constance, but all of them. ... They are the articles not of Hus, but of Christ, Paul, Augustine."[459]

THE POWER OF THE TOTALITY OF BELIEVERS

It is true at the Leipzig debate Luther "had said very little which he had not said before".[460] But now he had said it in a public confrontation with a spokesman for that church order which had been established through the Gregorian reforms. Humanist scholars and artists pricked up their ears as a

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457. Cf. the letters of John Poduska and Wenzel von Rozdalowsky to Luther of July 17th, 1519 in WA Br Nrs. 185 and 186.

458. Luther's letter to Spalatin of February 14th (?), 1520, WA Br Nr. 254: "... sumus omnes Hussitae ignorantes. Denique Paulus et Augustinus ad verbum sunt Hussitae."

459. WA 6, 587, 21ff: "... das ich leyder zu Leyptzck in der disputation nit hatte gelesen Johan. Huss, ich wolt sonst nit etlich, szondern alle artickel, zu Costnitz vordampt, gehalten haben, ... Es sein nit Johannis Huss artickel, szondern Christi, Pauli, Augustini ..."

460. Bainton: Here I Stand, op. cit., p. 93

RESULT OF THE BOLDNESS WITH WHICH HE HAD CHALLENGED THE HIERARCHICAL INSTITUTION OF THE CHURCH WHICH FOUND ITS CENTER IN AN UNLIMITED AUTHORITY OF THE POPE. SOME BECAME ADMIRERS AND OFFERED THEIR FRIENDSHIP THROUGH THE LETTERS WHICH NOW BEGAN TO ARRIVE FROM ALL OVER EUROPE.[461] OTHERS WERE DEFINITELY THROUGH WITH HIM LIKE THE HUMANIST JEROME EMSER, SECRETARY OF DUKE GEORGE OF SAXONY, PEOPLE WHO COULD AFFORD TO DO SO OFFERED LUTHER ASYLUM IN CASE ELECTOR FREDERIC WOULD LET HIM DROP.[462]

LUTHER'S SUBSEQUENT FULL ENDORSEMENT OF JOHN HUS WAS TO COMPLETE THIS BREAK WITH THE TRADITIONAL CHURCH ORDER IRREVOCABLY. BUT AFTER THE DISPUTATION WITH ECK IT CAME NO LONGER AS A SURPRISE. THERE COULD BE FOR LUTHER NO RETURN EXCEPT BY A PUBLIC RECANTATION. NOT ONLY THE HOLY SEE CAME TO THIS CONCLUSION. THE DOGMATICIANS AT THE UNIVERSITIES ARRIVED AT THE SAME VERDICT. THE FACULTIES OF PARIS AND ERFURT WHICH HAD BEEN SELECTED AS JUDGES OF THE DEBATE BY THE CONTESTANTS IN LEIPZIG REFUSED TO GIVE AN IMMEDIATE EVALUATION. ERFURT NEVER CAME THROUGH WITH AN ANSWER, AND PARIS WAITED TWO YEARS WITH ITS CONDEMNATION OF LUTHER'S POINT OF VIEW.[463] QUITE UNSOLICITED TWO OTHER UNIVER-

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461. CROTUS RUBIANUS, WRITING FROM BOLOGNA; MARTIN BUTZER; JOHN VON BOTZHEIM, DEAN AT CONSTANCE; HERMANN HUMPIUS FROM EMDEN, WRITING FROM PARIS; CONRAD PELLICANUS FROM BASEL; W. CAPITO FROM BASEL; V. BILD FROM AUGSBURG; ULRICH VON HUTTEN FROM MAINZ; CASPAR HEDIO FROM BASEL; ERASMUS FROM LOUVAIN, ETC. (WA BR 213, 214, 241, 264, 265, 266, 267, 279, 281, 295, 304, 321)

462. FRANZ VON SICKINGEN URGED LUTHER REPEATEDLY TO ACCEPT HIS OFFER OF ASYLUM ON APRIL 28TH, 1520 (WA BR 281) AND ON JUNE 4TH, 1520 (WA BR 295). SILVESTER OF SCHAUMBERG, A FRANKIST NOBLEMAN, DID THE SAME ON MAY 11TH, 1520 (WA BR 287). ON JUNE 11TH, 1520 HE EVEN OFFERED LUTHER THE PROTECTION OF "A HUNDRED FROM THE NOBILITY" (WA BR 298). IT IS NOT CLEAR WHETHER SICKINGEN AND SCHAUMBERG WERE CONNECTED WITH EACH OTHER. CF. HAJO HOLBORN: A HISTORY OF MODERN GERMANY, THE REFORMATION, KNOPF, NEW YORK, 1959, P. 141

463. SCHWIEBERT, OP. CIT., PP. 426-437

SITIES FILLED THE GAP, HOWEVER. THEY TOOK UPON THEMSELVES THE TASK OF JUDGING NOT ONLY THE DEBATE BUT LUTHER'S ENTIRE THEOLOGY ON THE BASIS OF THE FIRST COLLECTION OF HIS WRITINGS WHICH HAD BEEN PUBLISHED BY JOHN FROBEN IN BASEL IN OCTOBER OF THE PREVIOUS YEAR 1518.[464] AT THE INSTIGATION OF THE FACULTY IN LOUVAIN, THE UNIVERSITY OF COLOGNE CAME OUT WITH ITS CRITIQUE ON AUGUST 29TH, 1519,[465] TO BE FOLLOWED BY THE VERDICT OF THE FACULTY OF LOUVAIN ON NOVEMBER 9TH.[466] BOTH SCHOOLS AGREED THAT ON THE WHOLE THERE WAS NOTHING PRAISEWORTHY TO BE FOUND IN LUTHER'S WORK. WHILE COLOGNE SINGLED OUT EIGHT SPECIFIC POINTS, LOUVAIN LISTED FIFTEEN ARTICLES IN WHICH THE WITTENBERG PROFESSOR WAS PROVEN TO BE IN DOCTRINAL ERROR. CARDINAL ADRIAN, THE BISHOP OF TORTOSA, WHO WAS TO SUCCEED LEO X, ADDED HIS OWN SENTENCE IN THE FORM OF AN OPEN LETTER TO THE FACULTY AT LOUVAIN OF WHICH HE ONCE HAD BEEN A MEMBER.[467] THE THREE DOCUMENTS, WHICH WERE PUBLISHED TOGETHER IN ONE BOOK IN FEBRUARY 1520, REPRESENTED THE COMMON OPINION OF THE ACCREDITED CHURCH TEACHERS IN THE DISCIPLINARY PROCEEDINGS AGAINST LUTHER IN ROME.

WHILE THE MATERIAL IN THE LEGAL CASE OF LUTHER GREW IN AN EVER MORE ABUNDANT MANNER, THE SIMPLE QUESTION BECAME EVER MORE URGENT FOR THE HOLY SEE: WHAT TO DO WITH THE SAXON FRIAR WHO WAS INCRIMINATED BY SO MANY? IN MAY 1520 THE CARDINALS, THEOLOGICAL EXPERTS, AND CANON LAWYERS WERE CALLED TO A MEETING IN ROME.[468] BAINTON BELIEVES "THERE MAY HAVE BEEN SOME FORTY IN ATTENDANCE." YET IT TURNED OUT THAT THE ANSWER WAS MORE DIFFICULT THAN THE QUESTION. BAIN-

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464. WA 6, 179, NOTE 1

465. WA 6, 178-180

466. WA 6, 175-178

467. WA 6, 174

468. BAINTON: HERE I STAND, OP. CIT., P. 111

TON HAS SHOWN THAT THE OPINION WAS DIVIDED BETWEEN THOSE WHO WERE READY TO GRANT LUTHER A TRIAL FIRST AND THOSE WHO FAVORED AN OUTRIGHT CONDEMNATION AS HERETIC. IN THE END, NEITHER OPINION WON. IT WAS AGREED TO LEAVE THE DECISION UP TO LUTHER. HE WAS TO RECEIVE A THREAT OF EXCOMMUNICATION WHICH SHOULD GO INTO EFFECT UNLESS HE RECANTED WITHIN SIXTY DAYS.[469] ON JUNE 15TH, 1520 LEO X SIGNED THE BULL "EXSURGE DOMINE" WHICH INFORMED LUTHER AND THE ENTIRE CHURCH OF THIS DECISION WITH THE FULL WEIGHT OF APOSTOLIC AUTHORITY.[470] THE BULL CONTAINS FORTY-ONE QUOTATIONS FROM LUTHER WHICH WERE HELD TO BE HERETICAL, - ON THE DOCTRINE OF GRACE, ECCLESIASTICAL AUTHORITY, PENANCE, AND THE SACRAMENTS - IN SHORT, LUTHER'S UNDERSTANDING OF CHRIST'S SOLE MEDIATORSHIP. THE THESIS WHICH HE HAD DEFENDED AGAINST ECK WAS OF COURSE NOT MISSING, NAMELY THAT SOME OF HUS'S ARTICLES ARE MOST CHRISTIAN AND EVANGELICAL ALTHOUGH THEY HAD BEEN CONDEMNED AT CONSTANCE. NOR WAS LUTHER'S STATEMENT MISSING THAT THE BURNING OF HERETICS IS AGAINST THE WILL OF THE SPIRIT, - NOR HIS REJECTION OF CRUSADES AGAINST THE TURKS.[471] PRECEDED BY EXCITED RUMORS WHICH ANNOUNCED ITS COMING, THE BULL EVENTUALLY REACHED LUTHER ON OCTOBER 10TH, 1520, AND WAS PUBLICLY BURNED BY HIM SIXTY DAYS LATER, ON DECEMBER 10TH.

MEANWHILE, LUTHER CAME TO CONCLUSIONS SIMILAR TO THE ONES OF THE ROMAN CURIA. THE FINAL BREAK WAS ANTICIPATED BY HIM FOR A LONG TIME BEFORE THE OFFICIAL CENSURE REACHED HIM AT THE END OF 1520. ALREADY BEFORE THE ENCOUNTER WITH ECK THE THOUGHT OF A SEPARATION HAD OCCURRED TO HIM, ALTHOUGH AT FIRST IN THE FORM OF A QUESTION. IT CAME WHEN IN PREPARATION FOR THE DEBATE HE PLOUGHED THROUGH THE PAPAL DECRETALS. ON MARCH 13TH, 1519, HE WROTE TO A FRIEND:

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469. BAINTON: STUDIES ON THE REFORMATION, OP. CIT., P. 84

470. DENZINGER, OP. CIT., PP. 275-278

471. IBID., ART. 30, 33, 34

> "I AM TURNING THE DECRETALS OF THE POPES AROUND AND AROUND FOR MY DISPUTATION. AND - THIS I WHISPER IN YOUR EAR - I AM NOT SURE WHETHER THE POPE IS ANTI-CHRIST OR HIS APOSTLE. SO WRETCHEDLY IS CHRIST CORRUPTED AND CRUCIFIED - IT'S THE TRUTH - BY HIM IN THE DECRETALS." 472

IN THE SUMMER OF 1520 HE MADE THE PUBLIC ANNOUNCEMENT CUTTING THE LAST TIES WHICH BOUND HIM TO THE SUPREME AUTHORITY OF THE POPE AND ALL ITS DEFENDERS:

> "FAREWELL, THEN, UNHAPPY, LOST, AND BLASPHEMOUS ROME: THE WRATH OF GOD HAS COME UPON YOU AS YOU IN THE END HAVE DESERVED. ... FOR WE HAVE BEEN WORRIED OVER BABYLON, AND SHE HAS NOT BECOME WHOLE. THUS LET US LEAVE HER SO THAT SHE MAY BECOME A DWELLING FOR DRAGONS, SPECTERS, GHOSTS, AND MONSTERS, AND, TRUE TO HER NAME, AN ETERNAL CONFUSION ... FAREWELL, MY READER! FORGIVE MY GRIEF AND SHARE IT!" 473

NO DOUBT, THIS IS A LETTER OF FAREWELL. BUT WHAT PRECISELY IS THAT ROMAN BABYLON FROM WHICH LUTHER TAKES LEAVE? THIS IS THE CRUCIAL QUESTION WHICH WILL DETERMINE THE INTERPRETATION OF LUTHER'S SUBSEQUENT COURSE.

THE REFORMER GAVE HIS FULL ANSWER IN A TRACT WHICH CAME OFF THE PRESS TOGETHER WITH THIS LETTER OF FAREWELL ON JUNE 26TH, 1520, ENTITLED "THE PAPACY AT ROME". 474 IT IS THE PAPAL AUTHORITY WHICH IS NOT READY TO BE LIMITED BY THE AUTHORITY OF SCRIPTURE FROM WHICH LUTHER EXHORTS HIS READERS TO FLEE.

> "ALL THAT THE POPE DECREES AND DOES I WILL RECEIVE, ON THIS CONDITION, THAT I FIRST TEST IT BY THE HOLY SCRIPTURES. HE MUST REMAIN UNDER CHRIST, AND SUBMIT TO BE JUDGED BY THE HOLY SCRIPTURES." 475

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472. LUTHER'S LETTER TO SPALATIN OF MARCH 13TH, 1520 IN WA BR 161: "VERSO & DECRETA PONTIFICUM PRO MEA DISPUTATIONE ET (IN AUREM TIBI LOQUOR) NESCIO AN PAPA SIT ANTICHRISTUS IPSE VEL APOSTOLUS EIUS, ADEO MISERE CORRUMPITUR & CRUCIFIGITUR CHRISTUS (ID EST VERITAS) AB EO IN DECRETIBUS."

473. LUTHER'S COMMENTARY ON PRIERIAS' TRACT "EPITOMA RESPONSIONIS AD MARTINUM LUTHER", WA 6, 329, 17: "NUNC VALE, INFOELIX, PERDITA ET BLASPHEMA ROMA: PERVENIT IRA DEI SUPER TE, SICUT MERUISTI IN FINEM ... CURAVIMUS ENIM BABYLONEM, ET NON EST SANATA: RELINQUAMUS ERGO EAM, UT SIT HABITATIO DRACONUM, LEMURUM, LARVARUM, LAMIARUM ET IUXTA NOMEN SUUM CONFUSIO SEMPITERNA. ... VALE, MI LECTOR, ET DOLORI MEO IGNOSCE ET COMPATERE."

474. WA 6, 277-324; PHILADELPHIA EDITION I, 329-394

475. PHILADELPHIA EDITION I, P. 391 (WA 6,322,7)

No mention is made here of separating himself from the pope or from the Roman church. The anti-Christ against whom Luther fights is not Pope Julius II or Leo X, but the pope as the infallible head of a hierarchical institution whose unimpeachable authority is justified by the tradition of decretals and canon law, particularly of the last four centuries before Luther. How much the power of this absolute ruler had to be feared in his days, Luther had now come to know not only from his personal experience but also from the fate of other men who had been labelled heretics before him.

This is how far Luther's dissent and his reformation was to reach: Not a separation from the pope, but a reformation of the papacy by subjecting it to the dual principle of scriptural authority. The line of separation which Luther draws here was perhaps too fine and too subtle as to be always clearly understood by his contemporaries or later interpreters. Yet those of his friends and foes who could not recognize this demarcation line would then again and again be puzzled, surprised, or disappointed by this reformer. The extremely fair and open-minded Roman Catholic interpretation by John M. Todd assumes too much and too little when it raises the question:

> "If the rule of the Pope, and the traditional institutions associated with him, were irreformable, and if Christians should no longer acknowledge them, what would be put in their place?" [476]

In Luther's opinion the papacy was not irreformable.[477] Neither were the traditional institutions. It was the inseparable combination of the two

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476. Todd, op. cit., p. 282

477. Cf. Luther's public reply to Emser of March 29th, 1521 in WA 7, 645, 7ff: "I have nothing written in this book about the papacy except of its improvement and offense ... The pope is not outside of God's order. I hope I have maintained this ... Why would I else give counsel to reform the papacy?" ("Hab ich doch ynn dem selben buch nichts vom Bapstum geschrieben, sondern nur von seyner besserung und ergerung ... Der Bapst sey nit auss gottis ordnung, hoff, habs auch erhalten ... warumb solt ich denn radt geben Bapststand zureformiren?")

AGAINST WHICH HIS ASSAULT WITH THE DUAL AUTHORITY OF SCRIPTURE WAS DIRECTED. AS LONG AS THE PURPOSE OF THE PAPAL OFFICE WOULD BE THE PRESERVATION OF THE TRADITIONAL INSTITUTIONS AND THE PURPOSE OF THE TRADITIONAL INSTITUTIONS THE PRESERVATION OF PAPAL SUPREMACY, BOTH THE FUNCTIONS OF THE SUPREME PONTIFF AND THE TRADITIONAL INSTITUTIONS WOULD BE IMPENETRABLE TO ANY CHURCH REFORM. AS ANOTHER ROMAN CATHOLIC INTERPRETER OF OUR DAYS, HANS KUENG, POINTS OUT:

> "THE BISHOPS (AND THE POPE) RESISTED FOR THE LARGEST PART NOT ONLY THE LUTHERAN REFORMATION, BUT ANY REFORM OF THE CHURCH WHATEVER, BOTH IN THEORY AND PRACTICE, AT HEAD AND MEMBERS. AND THEY - GREAT PRINCES OF THIS WORLD - RESISTED IT PRIMARILY NOT OUT OF THEOLOGICAL MOTIVES BUT OUT OF HUMAN, ALL TOO HUMAN MOTIVES. THE PRESERVATION OF THE POLITICAL-RELIGIOUS PERSONAL POWER AND POMP WAS FIRST TAKEN INTO CONSIDERATION." 478

ACCORDING TO LUTHER'S JUDGMENT THIS RESISTANCE ON THE PART OF THE POPE AND THE TRADITIONAL INSTITUTIONS OF THE CHURCH, SUCH AS THE EPISCOPATE, WAS NOT MERELY THE RESULT OF AN ARBITRARY HAPPENSTANCE OR THE PERSONAL DEFECTS OF THE OFFICE-HOLDERS. THERE WAS A CLEARLY RECOGNIZABLE PRINCIPLE AT THE HEART OF THIS RESISTANCE WHICH MADE OUT OF THE MINISTRY OF THE POPE AND THE BISHOPS THE DEFENSE OF A CLOSED-IN SYSTEM. THIS SELF-DESTRUCTIVE PRINCIPLE WAS THE PAPACY WHICH IN LUTHER'S DAYS DEMANDED AN UNLIMITED CONTROL OVER THE DOCTRINAL AND LEGAL TRADITIONS AS WELL AS OVER THE INSTITUTIONAL STRUCTURES OF THE CHURCH, ESPECIALLY OVER THE HIERARCHICAL ORDER OF THE EPISCOPATE AND THE PRIESTHOOD. TO BE SURE, THIS TRIAD OF PAPAL POWER, ECCLESIASTICAL TRADITION, AND THE HIERARCHICAL INSTITUTION, WAS NOT FULLY RECOGNIZED BY ALL THE CHRISTIANS AT ALL PLACES ALL THE TIME. BUT NEITHER WAS IT OPENLY CHALLENGED BY ANYONE. HOWEVER

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478. KUENG, OP. CIT., P. 122: "DIE BISCHOEFE (UND DER PAPST) WEHRTEN SICH IN IHRER GROSSZAHL NICHT NUR GEGEN DIE LUTHERISCHE REFORMATION, SONDERN UEBERHAUPT GEGEN JEDE ERNSTHAFTE REFORM DER KIRCHE IN THEORIE UND PRAXIS, AN HAUPT UND GLIEDERN. UND SIE - GROSSE FUERSTEN DIESER WELT - WEHRTEN SICH DAGEGEN PRIMAER NICHT AUS THEOLOGISCHEN MOTIVEN, SONDERN AUS MENSCHLICH-ALLZUMENSCHLICHEN MOTIVEN. DIE BEWAHRUNG DER POLITISCH RELIGIOESEN MACHT UND PRACHT STAND IM VORDERGRUND."

IT JUST SO HAPPENED THAT IT WAS LUTHER WHO AS A RESULT OF THE INDULGENCE CONTROVERSY HAD BEEN CONFRONTED WITH THIS TRIAD IN A NUMBER OF SAVAGE ATTACKS, AND NOW WAS FORCED INTO A FINAL DECISION OF EITHER TOTALLY REJECTING IT OR FULLY SUBMITTING TO IT. THE ROMAN BABYLON OF ANTI-CHRIST WAS THIS UNFORTUNATE TRIAD WHICH LUTHER FROM THE SUMMER OF 1520 ON WAS RESOLVED TO BREAK APART, WITH ALL THE POWER AT HIS COMMAND.

TO TODD'S QUESTION "BY WHAT OTHER AUTHORITY DID HE CHALLENGE ESTABLISHED CHRISTIAN AUTHORITY?"[479] LUTHER ANSWERS BY ASKING BACK "WHETHER IT IS POSSIBLE FOR CHRISTIANS TO SAY THAT ALL OTHER CHRISTIANS IN THE WORLD ARE HERETICS AND APOSTATES"[480] WHO DO NOT SUBMIT TO THE AUTHORITY ESTABLISHED BY ROME. THE AUTHORITY WHICH HE INVOKES IS THAT OF THE TOTALITY OF BELIEVERS.

> "SUCH ARE THE MUSCOVITES, RUSSIANS, GREEKS, BOHEMIANS, AND MANY OTHER GREAT PEOPLES IN THE WORLD. FOR ALL THESE BELIEVE AS WE DO, BAPTIZE AS WE DO, PREACH AS WE DO, AND ALSO GIVE DUE HONOR TO THE POPE, ONLY THEY WILL NOT PAY FOR THE CONFIRMATION OF THEIR BISHOPS AND PRIESTS." [481]

THE INFALLIBLE AUTHORITY ON WHICH LUTHER BASES HIS DISSENT AND HIS CALL FOR REFORMATION IS THEREFORE THAT WHICH IN OUR DAYS HAS RECEIVED EXPLICIT RECOGNITION BY THE ROMAN CATHOLIC CHURCH IN THE SECOND VATICAN COUNCIL.

> "THE TOTALITY OF BELIEVERS WHO 'HAVE BEEN ANOINTED BY THE HOLY ONE' [I. JOHN 2:20, AND 27] CANNOT ERR IN ITS FAITH, AND IT SHOWS FORTH THIS ITS OWN POSSESSION THROUGH THE SUPERNATURAL SENSE OF FAITH OF THE ENTIRE PEOPLE, WHENEVER IT EXHIBITS ITS UNIVERSAL CONSENSUS IN MATTERS OF FAITH AND MORALS 'FROM THE BISHOPS TO THE LAST LAY BELIEVERS'."[AUGUSTINE: DE PRAED. SANCT. 14,27; PL 44, 980] [482]

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479. TODD, OP. CIT., P. 282

480. PHILADELPHIA EDITION, I, P. 340 (WA 6,287,3)

481. PHILADELPHIA EDITION, I, P. 340 (WA 6,287,8)

482. CONST. DOGM. "DE ECCLESIA", ART. 12, OP. CIT., P. 28: "UNIVERSITAS FIDELIUM, QUI UNCTIONEM HABENT A SANCTO (CF. I IO 2,20 ET 27), IN CREDENDO FALLI NEQUIT, ATQUE HANC SUAM PECULIAREM PROPRIETATEM MEDIANTE SUPERNATURALI SENSU FIDEI TOTIUS POPULI MANIFESTAT, CUM 'AB EPISCOPIS USQUE AD EXTREMOS LAICOS FIDELES' UNIVERSALEM SUUM CONSENSUM DE REBUS FIDEI ET MORUM EXHIBET."

THE IMPORTANT POINT OF AGREEMENT WHICH HAS NOW BEEN ESTABLISHED BY VATICAN II IS, FIRST, THE REJECTION OF THE THEORY WHICH WAS DEFENDED BY THE ACCREDITED TEACHERS OF THE CHURCH IN LUTHER'S DAYS, - WHICH DEFINED THE TOTALITY OF BELIEVERS AS THE MATERIAL TO BE FORMED BY THE EFFECTIVE POWER OF THE CHURCH, THE POPE, AND HER OFFICIAL REPRESENTATIVES, THE CARDINALS, AS WE HAVE SEEN,[483] AND SECOND, THE RECOGNITION OF AN UNERRING FAITH WHICH THE PRIESTHOOD OF BELIEVERS RECEIVES AS A DIRECT GIFT OF THE HOLY SPIRIT. THIS DOES NOT MEAN THAT THE ROMAN CATHOLIC CHURCH HAS NOW BECOME LUTHERAN; FOR VATICAN II CONTINUES THE ARGUMENT WITH THE ASSERTION THAT IT IS "UNDER THE GUIDANCE OF THE HOLY TEACHING OFFICE" OF THE CHURCH THAT THE PEOPLE OF GOD RECEIVES THE WORD NOT OF MEN BUT OF GOD,[484] WITHOUT MAKING IT SUFFICIENTLY CLEAR WHETHER THIS "GUIDANCE OF THE HOLY TEACHING OFFICE" IS THE <u>CONDITIO SINE QUA NON</u> FOR THE RECEPTION OF GOD'S WORD. LUTHER LEAVES NO DOUBT ON THIS POINT. IT IS THE PRESENCE OF CHRIST, THE SOLE MEDIATOR, WHICH CAUSES IN THE TOTALITY OF BELIEVERS AS WELL AS IN EACH MEMBER THE NEW LIFE OF FAITH WITH INFALLIBLE CERTAINTY.

> "IN THIS CHURCH CHRIST CAN HAVE NO VICAR, AND THEREFORE NEITHER POPE NOR BISHOP IS CHRIST'S VICAR OR REGENT IN THIS CHURCH, NOR CAN HE EVER BECOME SUCH. ... AND IF HE WERE MORE HOLY THAN ST. PETER, THE POPE CAN NEVER INSTIL INTO OR CREATE IN A CHRISTIAN MAN THE WORK OF CHRIST HIS LORD, I.E. FAITH, HOPE, LOVE, AND EVERY GRACE AND VIRTUE." 485

THIS CATHOLIC CHURCH TO WHICH LUTHER MAKES HIS APPEAL "IS NOT BOUND TO ROME, BUT IS AS WIDE AS THE WORLD."[486] THE HARSH CONFRONTATION WITH THE MAS-

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483. <u>SUPRA</u>, P. 170, NOTE 400

484. CONST. DOGM. "DE ECCLESIA", ART. 12, <u>OP. CIT.</u>, P. 12: "SUB DUCTU SACRI MAGISTERII"

485. PHILADELPHIA EDITION, I, P. 358 (WA 6,298,27)

486. <u>IBID.</u>, P. 361 (WA 6,300,36)

SIVE INSTITUTIONAL POWER OF THE ROMAN CURIA LETS LUTHER PUT A VERY STRONG EMPHASIS ON THE HIDDEN SPIRITUAL LIFE OF THE CHURCH. BUT THIS EMPHASIS DOES NOT CHANGE THE CHURCH INTO AN INVISIBLE COMMUNION.

> "THE EXTERNAL MARKS, WHEREBY ONE CAN PERCEIVE WHERE THIS CHURCH IS ON EARTH, ARE BAPTISM, THE SACRAMENT, AND THE GOSPEL; AND NOT ROME, OR THIS PLACE, OR THAT. FOR WHERE BAPTISM AND THE GOSPEL ARE, NO ONE MAY DOUBT THAT THERE ARE SAINTS, EVEN IF IT WERE ONLY THE BABES IN THEIR CRADLES."[487]

IF THE POPE FAILS TO TAKE HIS LEGITIMATE PLACE WITHIN THIS CATHOLIC CHURCH BY SUBMITTING TO THE FINAL AUTHORITY OF SCRIPTURE AND THE HOLY SPIRIT, HE SHOULD HOWEVER NOT BE ATTACKED BY FORCE. THOSE WHO HAVE THE POWER TO DO SO SHOULD PROTECT THEMSELVES AND OTHERS AGAINST HIS EXAGGERATED BIDS FOR POWER.

> "I WOULD BE TRULY GLAD IF KINGS, PRINCES, AND ALL THE NOBLES WOULD TAKE HOLD, AND TURN THE KNAVES FROM ROME OUT OF THE COUNTRY, AND KEEP THE APPOINTMENTS TO BISHOPRICS AND BENEFICES OUT OF THEIR HANDS." [488]

THE OTHERS ARE ENJOINED TO ENDURE A PAPAL RULE WHICH HAS GOTTEN OUT OF HAND PATIENTLY, AS PART OF GOD'S WRATHFUL PROVIDENCE, JUST AS THEY WOULD HAVE TO DO WITH THE PLAGUE OR THE RULE OF THE TURKS.[489] LUTHER'S THOUGHT HAS NO ROOM FOR HOLY WARS. THE REJECTION OF CRUSADES, FOR WHICH HE WAS CONDEMNED BY THE APOSTOLIC CHAIR IN THE CASE OF THE TURKS,[490] IS CONSISTENTLY APPLIED BY THE REFORMER ALSO TO THE PAPACY.

THE TRACT ON "THE PAPACY AT ROME" WAS IMMEDIATELY FOLLOWED BY THE FIRST OF LUTHER'S GREAT REFORMATORY WRITINGS, "THE OPEN LETTER TO THE CHRISTIAN NO-

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487. IBID., P. 361 (WA 6,301,3)

488. IBID., P. 392 (WA 6,322,23)

489. IBID., P. 391 (WA 6,321,37)

490. "EXSURGE DOMINE", ART. 34 IN DENZINGER, OP. CIT., P. 277: "TO MAKE A CRUSADE AGAINST THE TURKS IS TO RESIST GOD WHO VISITS OUR INIQUITIES THROUGH THEM." ("PROELIARI ADVERSUS TURCAS EST REPUGNARE DEO VISITANTI INIQUITATES NOSTRAS PER ILLOS.")

BILITY OF THE GERMAN NATION". BEFORE THE FORMER CAME OFF THE PRESS ON JUNE 26TH,[491] THE MANUSCRIPT OF THE LATTER WAS ALREADY FINISHED ON JUNE 23RD, 1520.[492] THE TWO DOCUMENTS MUST THEREFORE BE INTERPRETED TOGETHER IN ORDER TO PRESENT THE FULL SCOPE OF LUTHER'S INTENTIONS IN THE REFORMATION OF THE CHURCH. THE "OPEN LETTER" IS IN FACT THE PRACTICAL APPLICATION OF THE CONCEPT OF THE CHURCH SET FORTH IN THE "PAPACY AT ROME". SOME HISTORIANS GIVE ONLY FLEETING ATTENTION TO THE DOCTRINAL DISCUSSIONS IN LUTHER'S EARLIER WRITINGS AND ARRIVE THEN AT THE CONCLUSION THAT IT WAS "HUTTEN'S FIGHT FOR 'GERMAN FREEDOM'" WHICH "IMPRESSED ON HIS MIND THE INEVITABLE CONNECTION BETWEEN RELIGIOUS AND POLITICAL REFORM",[493] OF WHICH THE "OPEN LETTER TO THE NOBILITY" IS ASSUMED TO BE THE FRUIT. BUT THE THOUGHT OF ADDRESSING THE POLITICAL POWERS OF HIS TIME DID NOT COME TO LUTHER ON THE SPUR OF THE MOMENT. SCHWIEBERT IS RIGHT WHEN SAYING THAT IT "HAD BEEN GROWING AS A SLOW CONVICTION IN LUTHER."[494] IN HIS EARLY LECTURES WE COULD ALREADY OBSERVE ADMIRATION FOR THE GREATER EFFICIENCY WHICH IN HIS OPINION COULD BE FOUND IN THE SECULAR ADMINISTRATION IN COMPARISON WITH THE ECCLESIASTICAL ADMINISTRATION.[495] IN 1518 HE WAS DEEPLY IMPRESSED WITH THE TREATMENT WHICH HAD BEEN GIVEN TO THE "GRIEVANCES OF THE GERMAN NATION" BY THE DIET AT AUGSBURG JUST BEFORE HIS INTERVIEW WITH CAJETAN. AS HE SAID ONE DAY IN CLASS, WHEN LECTURING ON PAUL'S EPISTLE TO THE GALATIANS IN 1519, ON HIS WAY TO AUGSBURG HE RESOLVED TO FOLLOW "THE RIGHT, HOLY, AND

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491. WA 6, 281

492. WA 7, 392

493. HOLBORN, OP. CIT., P. 142

494. SCHWIEBERT, OP. CIT., P. 465

495. SUPRA, P. 142

WORTHY DISTINCTION" BY WHICH THE PRINCES HAD DISTINGUISHED BETWEEN THE ROMAN CHURCH IN GENERAL AND THE ROMAN CURIA.[496] IT MIGHT BE QUESTIONED WHETHER THE PRINCES INDEED MADE THIS DISTINCTION WITH SUCH A RIGHT, HOLY, AND WORTHY PRECISION AS HAD LUTHER. BUT THIS IS NOT THE POINT HERE. THIS REMARK, MADE IN THE CLASSROOM, REVEALS WHAT PRECISELY WAS THE CONTENTION AGAINST ROME WHICH HAD BEEN GROWING IN LUTHER BEFORE THE "OPEN LETTER TO THE CHRISTIAN NOBILITY". LUTHER WANTED TO DRIVE A WEDGE BETWEEN THE CATHOLIC COMMUNITY OF BELIEVERS AND THE CURIA IN ROME. BY 1520 HE HAD ATTAINED A CLEAR UNDERSTANDING WHERE THE POINT OF THIS WEDGE WAS TO BE APPLIED. ANY REFORM OF THE CHURCH WOULD BE IMPOSSIBLE AS LONG AS THE PRINCES EXPRESSED THEIR GRIEVANCES OVER THE ROMAN CURIA ONLY IN VERBAL PROTESTATIONS AND IN ACTUAL PRACTICE WERE QUITE WILLING TO ACT AS THE EXECUTIVE ORGANS OF THE PAPAL INTERDICTS AND CENSURES FOR "THE BONE OF A SUFFRAGANATE, A RESERVATION, AND A DISPENSATION" AS DUKE GEORGE PUT IT.[497] THE WAY FOR REFORMATION HAD TO BE OPENED BY THE KINGS, PRINCES, NOBILITY, CITIES AND COMMUNITIES SO THAT THE BISHOPS AND CLERGY WOULD HAVE REASON TO

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496. WA 2, 448, 4FF: "... FROM SUCH A THICK JUNGLE OF THE SILVESTERS [PRIERIAS] I GO BACK TO THE CITY OF AUGSBURG AND AM GOING TO FOLLOW MEANWHILE THAT JUDGMENT, BY WHICH THE PRINCES OF GERMANY HAD MADE A RIGHT, HOLY, AND WORTHY DISTINCTION, IN THEIR MOST RECENT DIETS BETWEEN THE ROMAN CHURCH AND THE ROMAN CURIA. ... (IBID., 448, 37) THEREFORE IT IS NOT RIGHT TO RESIST IN ANY FORM WHATSOEVER THE ROMAN CHURCH. BUT THE KINGS, PRINCES, AND THOSE WHOEVER ARE ABLE TO DO SO SHOULD RESIST THE ROMAN CURIA WITH A PIETY FAR GREATER THAN THE ONE WHICH IS USED AGAINST THE TURKS." ("... E TANTA SYLVESTRORUM SYLVA AD CIVITATEM AUGUSTAM REVERTOR, ET IUDICIUM INTERIM SEQUAR, QUO PRINCIPES GERMANIAE IN NOVISSIMIS COMITIIS RECTE, SANCTE ET AUGUSTE DISCREVERUNT INTER RHOMANAM ECCLESIAM ET ROMANAM CURIAM ... (IBID., 448, 37) NULLO MODO ERGO RHOMANAE ECCLESIAE RESISTERE LICET: AT RHOMANAE CURIAE LONGE MAIORE PIETATE RESISTERENT REGES, PRINCIPES ET QUICUNQUE POSSENT QUAM IPSIS TURCIS.")

497. SUPRA, P. 60, NOTE 115

follow, as Luther expressed it in the "Treatise on Good Works" a short time before his direct address to the nobility.[498]

In the "Open Letter" Luther assails the unimpeachable authority of papal supremacy with the principle of the priesthood of all believers. Against the triad of papacy, tradition, and hierarchical order, Luther calls for the freedom of temporal authority from ecclesiastical supervision, the power of each church member to judge matters of faith on the basis of scripture, and the principal right of every church member to demand a council. His claim is that through the abrogation of these basic rights, the three "rods" for dealing with an erring or unjust pope have been "stolen".[499] In actual practice the papal office has therefore been able to become absolute by fencing the totality of all believers in through three walls by demanding, first, immunity from the jurisdiction through the temporal power; second, the exclusive right of interpreting scripture; third, the exclusive right of summoning a general council. The result of this captivity is that nobody is in a position anymore to check the abuses prevailing in the whole body of the church.

It was particularly the first demand in Luther's triad in which the sharp point of his wedge was applied. The call for the freedom of temporal authority from ecclesiastical supervision was far more revolutionary than his inflammatory outbursts against the Roman Babylon. It meant in effect the sub-

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498. Philadelphia Edition I, 262: "... such councils are entirely useless, since Roman wisdom has contrived the device that the kings and princes must beforehand take an oath to the Romans to remain what they are and keep what they have ... But this would be the best, and also the remedy remaining, if kings, princes, nobility, cities and communities themselves began and opened a way for reformation, so that the bishops and clergy, who now are afraid, would have reason to follow ... And the ban and threatening with which they think they can prevent this, amounts to nothing; just as it amounts to nothing if an insane father severely threatens the son who restrains him or locks him up." (WA 6,258,17)

499. Philadelphia Edition II, p. 65 (WA 6,406,30)

JECTION OF THE CHURCH TO THE JURISDICTION OF THE SECULAR AUTHORITIES IN TEMPORAL MATTERS. TO BE SURE, THE PRINCES ALREADY EXERCISED AN INCREASING CONTROL OVER THE LIFE OF THE CHURCHES WITHIN THEIR TERRITORIES. BUT LUTHER PROPOSED TO ABOLISH THE LAST POST OF ECCLESIASTICAL IMMUNITY FROM TEMPORAL JURISDICTION FROM WHICH POSSIBLE EXCESSES BY THE POLITICAL FORCES MIGHT POSSIBLY BE CHECKED. ON THE BASIS OF ROMANS 13:1,4; I. PETER 2:13FF; II. PETER 2:10 LUTHER ABROGATES THE IMMUNITY FROM SECULAR CONTROL WHICH WAS CLAIMED FOR THE CHAIR OF ST. PETER. IN THE PERSECUTION OF CIVIL OFFENSES, THE PUNISHMENT OF CRIME, AND THE PROTECTION OF THE SECULAR ORDER, THE POPE IS TO BE "SUBJECT UNTO THE HIGHER POWERS" LIKE EVERYBODY ELSE; FOR THEY BEAR THE SWORD "FOR THE PUNISHMENT OF EVILDOERS, AND FOR THE PRAISE OF THEM THAT DO WELL".[500]

SCHWIEBERT IS CORRECT IN ASSERTING THAT LUTHER "HAD NO CONCEPTION OF THE LATER EIGHTEENTH-CENTURY IDEA OF THE STATE". BUT IT MUST BE ASKED IF IT IS ADEQUATE TO SAY IN AN INTERPRETATION OF THE "OPEN LETTER" THAT "LUTHER ACCEPTED THE IDEA OF THE CHRISTIAN COMMONWEALTH, WHICH WAS THE BODY OF CHRIST" EVEN IF ONE CONTINUES WITH THE BASICALLY CORRECT AFFIRMATION THAT "HIS CONTRIBUTIONS TO THE ACCEPTED PATTERN WERE HIS NEW DEFINITIONS OF THE FUNCTIONS OF THE TWO INSTITUTIONS".[501] IN LUTHER'S ARGUMENT A CLEARLY DEFINED CONCEPTION OF A CHRISTIAN COMMONWEALTH IS EQUALLY ABSENT AS THAT OF THE EIGHTEENTH-CENTURY IDEA OF THE STATE. WHEN THE REFORMER SPEAKS OF "THE WHOLE BODY OF CHRISTENDOM" ("DEN GANTZEN CORPER DER CHRISTENHEIT"), AS IN THE PLACE TO WHICH SCHWIEBERT REFERS, HE DOES SO TO ENCOURAGE THE TEMPORAL AUTHORITIES TO EXERCISE THEIR

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500. PHILADELPHIA EDITION II, 71: "FOR THUS SAITH ST. PAUL TO ALL CHRISTIANS: 'LET EVERY SOUL (I TAKE THAT TO MEAN THE POPE'S SOUL ALSO) BE SUBJECT UNTO THE HIGHER POWERS ...'" (WA 6,409,31)

501. SCHWIEBERT, OP. CIT., P. 468F

OFFICE "WITHOUT RESPECT OF PERSONS WHETHER IT AFFECT POPE, BISHOP, PRIESTS, MONKS, NUNS, OR ANYBODY ELSE".[502] THE MEANING OF THIS PASSAGE IS QUITE CLEAR. LUTHER SPEAKS OF THE VARIOUS REPRESENTATIVES AND MEMBERS OF THE CHURCH, OR IN SHORT, OF THE VISIBLE CHURCH. HIS CONTENTION IS THAT THE TEMPORAL AUTHORITY SHOULD "PERFORM ITS OFFICE WITHOUT HINDRANCE" - ALSO THROUGH THE ENTIRE BODY OF THE CHURCH. THE "ONE BODY" OF THE "ONE HEAD CHRIST", IN WHICH "WE ARE ALL MEMBERS ONE OF ANOTHER" IS NOT A POLITICAL COMMONWEALTH FOR LUTHER, BUT THE COMMUNITY OF THE CHURCH. LUTHER GOES TO GREAT LENGTHS IN THIS TRACT TO POINT OUT THAT ITS MEMBERSHIP IS CONSTITUTED BY THE CHRIST-EVENT, THROUGH THE SAME BAPTISM, THE SAME FAITH, THE SAME GOSPEL.

> "FOR WHOEVER COMES OUT OF THE WATER OF BAPTISM CAN BOAST THAT HE IS ALREADY CONSECRATED PRIEST, BISHOP AND POPE, THOUGH IT IS NOT SEEMLY THAT EVERYONE SHOULD EXERCISE THE OFFICE." [503]

THIS NEWLY DEFINED FREEDOM OF THE TEMPORAL AUTHORITY TO EXERCISE ITS FUNCTION "THROUGH THE WHOLE BODY OF THE CHURCH" CANNOT BE TAKEN AS AN ACCEPTANCE OF "THE IDEA THAT ALL WESTERN EUROPE WAS A CHRISTIAN COMMONWEALTH".[504] RATHER IT WAS MEANT TO DESTROY THE ACCEPTED PATTERN OF THE MEDIEVAL CHURCH. WHILE ITS RIGOUR COULD NOT BE FULLY ANTICIPATED IN ROME ALREADY AT THE MEETING OF THE EXPERTS IN MAY 1520, THE HOLY SEE WAS NOT COMPLETELY UNPREPARED FOR THIS ASSAULT. IF THE CORNERSTONE OF THE SUPERIORITY OF SPIRITUAL POWER OVER TEMPORAL POWERS WOULD BE BROKEN OUT, THE WHOLE EDIFICE OF THE MEDIEVAL CHURCH

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502. WA 6, 408f; PHILADELPHIA EDITION II, 70: "I SAY THEN, SINCE THE TEMPORAL POWER IS ORDAINED BY GOD TO PUNISH EVIL-DOERS AND TO PROTECT THEM THAT DO WELL, IT SHOULD THEREFORE BE LEFT FREE TO PERFORM ITS OFFICE WITHOUT HINDRANCE THROUGH THE WHOLE BODY OF CHRISTENDOM WITHOUT RESPECT OF PERSONS, WHETHER IT AFFECT POPE, BISHOPS, PRIESTS, MONKS, NUNS OR ANYBODY ELSE."

503. PHILADELPHIA EDITION II, P. 68 (WA 6,408,11)

504. SCHWIEBERT, OP. CIT., P. 468

would come down. Then there would be no basis for calling on the governments of Europe for the defense of the Chair of St. Peter through holy crusades and the persecution of heretics. For good reason, therefore, the theological advisers of the supreme pontiff had included in the list of Luther's views to be explicitly condemned as heretical also those articles in which the reformer rejected the crusades and the burning of heretics. In Rome it was quite well understood that an acceptance of Luther's new definitions of the functions of state and church would drastically alter the medieval view of Europe as a Christian commonwealth which the Holy See sought to defend against the stark political reality which was of an entirely different nature.

The principal question which Luther must be asked at this point is: What was the new order which was to replace the medieval relationship between temporal and spiritual powers? In all frankness it must be answered that Luther did not have a clear concept of a new social order for Europe or for the world. The principle of authority to which he submitted permitted the checking of abuses and corruptions in the church; but it made no provision for the devising of a new world order. The deep-rooted lack of respect which Luther had for temporal power had been clearly expressed already in his explanation of the fourth commandment in the tract "On Good Works" of 1520.

> "Therefore, also, the temporal power is a very small thing in God's sight, and far too little regarded by Him, that for its sake, whether it do right or wrong, we should resist, become disobedient and quarrel. On the other hand, the spiritual power is an exceeding great blessing, and far too precious in His eyes, that the very least of Christians should endure and keep silent, if it departs a hair's breadth from its own duty." 505

If the absence of a clear principle to answer all problems of human existence is to be judged as an unpardonable sin, then Luther can ultimately not be ab-

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505. Philadelphia Edition I, p. 264 (WA 6,259,33)

solved from this sin of omission. In the end his argument always returns to his central concern, which is the church as a visible community gathered by the inner and outward testimony of the Holy Spirit around the presence of Christ, the sole mediator between God and man. On the other hand, it is precisely this limitation which gave his argument its own unique force. As is done by all real revolutionaries, Luther did not pretend to have all the answers prepared beforehand in his break with Rome.

> "Those who criticize Luther's position from the point of view of modern liberalism or Marxism and attack him as politically reactionary because he chose to be a religious rather than a political leader, accuse him essentially of being Luther rather than Karl Marx. ... It is unfortunate that most attempts to analyze Luther's thought have completely neglected to stress the importance of his eschatology for an understanding of his seeming political and social conservatism." 506

Luther is ready to tolerate, in temporal matters, even the rule of the Turk or any other unbelieving or wicked ruler over the church "as in former days when the magistrates were not yet Christians, and as the Turk is now said to do". The only case in which the Christian and the church is to resist the temporal rule is the open compulsion "to do wrong against God or man". 507 Luther had said this in the tract "On Good Works". Now in the "Open Letter" he does not hesitate to taunt the German princes with the example of the good temporal rule which allegedly is given by the Turks. "It is said that there is no better temporal rule anywhere than among the Turks who have neither spiritual nor temporal law, but only their Koran." 508 The rule of the secular authority over the church in temporal matters therefore does not rest upon the

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506. Forell, op. cit., p. 162

507. Philadelphia Edition I, p. 263 (WA 6,259,14)

508. Ibid., II, p. 149 (WA 6,459,24)

COMMON PRIESTHOOD OF THE CHRISTIANS. ULTIMATELY IT MUST BE ENDURED BY THE COMMUNITY OF FAITH IN CONFIDENCE ON GOD'S PROVIDENCE. ALREADY KARL HOLL HAS CLEARLY DEMONSTRATED:

> "THE DOCTRINE OF THE UNIVERSAL PRIESTHOOD ENTERS IN A SIGNIFICANT MANNER ONLY INSOFAR AS IT IS NECESSARY TO FREE THE [CHRISTIAN] 'NOBILITY' OF AN UNJUSTIFIED AWE BEFORE THE 'PRIEST' AND TO MAKE IT INSENSITIVE AGAINST POSSIBLE SPIRITUAL CENSURES." 509

BUT THE PROPOSAL THAT THE WHOLE CHURCH SHOULD SUBMIT TO THE TEMPORAL RULE EVEN OF AN UNCHRISTIAN GOVERNMENT DOES NOT MEAN THAT THE ENTIRE DISCIPLINE OF THE CHURCH IS HEREWITH DELIVERED INTO THE HANDS OF THE POLITICAL POWERS. JUST THE OPPOSITE IS LUTHER'S OPINION. OTHERWISE, NAMELY, HE WOULD HAVE TO CONCEDE THE POSSIBILITY THAT ALSO THE TURKS MIGHT MAKE PRETTY FAIR SPIRITUAL RULERS OF THE CHURCH. TO SUCH LENGTHS EVEN LUTHER IS NOT PREPARED TO GO. AGAIN IT WAS KARL HOLL WHO DEMONSTRATED THAT THE SPIRITUAL DISCIPLINE OF THE CHURCH IS FOR LUTHER A MATTER ALTOGETHER DIFFERENT FROM THE RULE OF THE TEMPORAL AUTHORITY IN SECULAR MATTERS.[510] "HERE", LUTHER TELLS THE PRINCES, "EVERY MEMBER IS COMMANDED TO CARE FOR EVERY OTHER. ... BUT IF I AM TO ACCUSE HIM [A BROTHER DOING WRONG] BEFORE THE CHURCH, I MUST BRING THE CHURCH TOGETHER."[511] IN THE TRACT

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509. HOLL, OP. CIT., P. 283: "NUR INSOFERN RAGT DIE LEHRE VOM ALLGEMEINEN PRIESTERTUM BEDEUTSAM HEREIN, ALS ES GILT DEM 'ADEL' DIE UNBEGRUENDETE SCHEU VOR DEM 'PRIESTER' ZU NEHMEN UND IHN GEGEN ETWAIGE GEISTLICHE STRAFEN UNEMPFINDLICH ZU MACHEN."

510. IBID., P. 284: "... THAT EVERY BELIEVER HAS RECEIVED THE FULL RIGHTS OF A CHRISTIAN ALREADY IN BAPTISM. ... THUS HE IS COMPETENT AND CAPABLE TO JUDGE IN ALL SPIRITUAL MATTERS ... AND MORE YET: HE IS EVEN OBLIGED TO BE CONCERNED ABOUT THE CONDITIONS IN THE CHURCH. ... PRINCIPALLY EVERY CHRISTIAN HAS THEREFORE ALSO THE RIGHT TO SUMMON A COUNCIL." ("... DASS JEDER GLAEUBIGE BEREITS IN DER TAUFE DAS VOLLE CHRISTENRECHT EMPFANGEN HABE. ... ER IST DAMIT AUCH ZUSTAENDIG UND URTEILSFAEHIG IN ALLEN GEISTLICHEN DINGEN GEWORDEN. ... UND WEITER: ER IST DANN AUCH VERPFLICHTET, SICH UM DIE ZUSTAENDE IN DER KIRCHE ZU KUEMMERN. ... GRUNDSAETZLICH HAT ALSO JEDER CHRIST DAS RECHT, EIN KONZIL EINZUBERUFEN.")

511. PHILADELPHIA EDITION II, P. 76F (WA 6,413,7)

"On Good Works" Luther had justified the sharp distinction which allows him to look upon worldly power with a profound irony and upon church discipline with high praise as "an exceeding great blessing" on these grounds:

> "For temporal power can do no harm, since it has nothing to do with preaching and faith and the first three Commandments. But the spiritual power does harm not only when it does wrong, but also when it neglects its duty. Therefore we must resist it when it does not do right, and not resist the temporal power although it does wrong." 512

One passage in the "Open Letter" seems to put in question the concept of the common priesthood of all believers which Luther has so far consistently employed. In the demand for a free general church council, Luther writes:

> "Therefore, when necessity demands, and the pope is an offence to Christendom, the first man who is able should, as a faithful member of the whole body, do what he can to bring about a truly free council. No one can do this so well as the temporal authorities, especially since now they are also fellow-Christians, fellow-priests, 'fellow-spirituals', fellow-lords over all things, and whenever it is needful or profitable, they should give free course to the office and work in which God has put them above every man." 513

To be sure these two sentences do not belong to the clearest of Luther's utterances. Thus they have given cause to much controversy. The reformer seems to be calling on the princes to use the power of their secular office and work in order to effect a church reform. Holl met the difficulties of this passage with the explanation that by virtue of his high social position the prince possesses a general emergency right ("allgemeines Hilfsrecht") also in the community of believers on the condition that he himself is a faithful member of the church. 514 The prince is a "praecipuum membrum ecclesiae", a special

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512. Philadelphia Edition I, 263 (WA 6,259,21)

513. Philadelphia Edition II, p. 77f (WA 6,413,27)

514. Holl, op. cit., p. 286

CHURCH MEMBER, - IF INDEED HE BELIEVES IN THE PROMISE OF HIS BAPTISM.[515] THIS INTERPRETATION HAS COME UNDER JUSTIFIED CRITICISM. IT HAS BEEN POINTED OUT THAT THIS QUALIFICATION OF A PERSONAL CONVICTION OF THE PRINCE IS NOT STATED BY LUTHER.[516] HOLL'S DIFFICULTY AT THIS POINT ARISES FROM THE FACT THAT HE TRIES TO ESTABLISH, ON THE BASIS OF THIS TEXT, A GENERAL RIGHT AND OBLIGATION TO AID IN AN EMERGENCY WHICH IS ENTRUSTED BY LUTHER TO THE PRINCE ON A PERMANENT BASIS. IN THIS EFFORT HOLL IS LED BY CONSIDERATIONS GIVEN TO CONDITIONS WHICH DEVELOPED IN THE LUTHERAN CHURCH IN LATER YEARS, AS HE HIMSELF ADMITS.[517] WHILE THIS INTERPRETATION OF THE "OPEN LETTER" THUS PERMITS HOLL TO PRESENT THE FURTHER DEVELOPMENT OF THE LUTHERAN CHURCH WITHOUT ANY MAJOR INCONSISTENCIES FROM 1520 ON, IT MUST BE ASKED WHETHER THE "OPEN LETTER" GRANTS THE PRINCES THE SPECIAL RIGHT TO HELP IN AN EMERGENCY ON A PERMANENTLY ESTABLISHED BASIS. LUTHER HAS MORE AGAINST HIMSELF THAN MERELY THE "ASSERTION" THAT ONLY THE POPE MAY CALL A COUNCIL.[518] HE COUNTS WITH THE VERY PROSPECT THAT THE POPE MAY CALL ON THE PRINCES TO CRUSH ANY ATTEMPTS TO GATHER A

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515. IBID., PP. 287, 294

516. BAINTON: HERE I STAND, OP. CIT., P. 118. BAINTON DOES NOT MENTION HOLL BY NAME; BUT HIS CRITIQUE IS CLEARLY DIRECTED AGAINST THE POSITION TAKEN BY HOLL.

517. HOLL, OP. CIT., P. 287: "THE EXPRESSION, WHICH LATER BECAME CUSTOMARY, THAT THE PRINCE ACTS IN SUCH A CASE AS PRAECIPUUM MEMBRUM ECCLESIAE, REFLECTS LUTHER'S OPINION IN A COMPLETELY CORRECT MANNER." ("DER SPAETER UEBLICH GEWORDENE AUSDRUCK, DASS DER FUERST IN SOLCHEM FALLE SICH ALS PRAECIPUUM MEMBRUM ECCLESIAE BETAETIGE, GIBT LUTHERS ANSCHAUUNG VOLLKOMMEN RICHTIG WIEDER.") THE TERM PRAECIPUUM MEMBRUM ECCLESIAE WAS INTRODUCED TO THE LUTHERAN CHURCH FOR THE FIRST TIME IN 1537! AND THEN IT WAS DONE NOT BY LUTHER, BUT BY MELANCHTHON IN HIS "TRACTATUS DE POTESTATE PAPAE". CF. DIE BEKENNTNISSCHRIFTEN DER EVANGELISCH-LUTHERISCHEN KIRCHE, OP. CIT., P. 488.

518. HOLL, OP. CIT., P.284: "FOR HERE LUTHER HAS AGAINST HIMSELF FROM THE START THE ASSERTION THAT ONLY THE POPE MAY CALL A COUNCIL." ("DENN HIER HAT LUTHER VON VORNHEREIN DIE BEHAUPTUNG SICH GEGENUEBER, DASS NUR DER PAPST EIN KONZIL VERSAMMELN DUERFE.")

COUNCIL. "THEREFORE, IF THE POPE WERE TO USE FORCE TO PREVENT A COUNCIL IN ORDER TO HINDER THE REFORMATION OF THE CHURCHES, WE SHOULD HAVE REGARD NEITHER FOR HIM NOR FOR HIS POWER", LUTHER EXHORTS THE PRINCES.[519] IN OTHER WORDS, HE DOES NOT SPEAK OF A PERMANENT RIGHT OF EMERGENCY MEASURES BUT OF THE VERY SPECIFIC EMERGENCY WITH WHICH HE SEES HIMSELF CONFRONTED AT THIS MOMENT, AND LETS THE MEANS WITH WHICH TO MEET IT BE DETERMINED BY THE CONCRETE CIRCUMSTANCES OF THIS EMERGENCY.

WHEN ONE CONSIDERS THE INCREASING ROLE OF SIGNIFICANCE WHICH THE TERRITORIAL LORDS ALREADY AT THIS TIME ENJOYED WITHIN THE LIFE OF THE LOCAL CHURCHES, THE IMPORTANCE OF THE "OPEN LETTER" IS TO BE FOUND IN THE MANNER IN WHICH THIS APPEAL IS MADE, AND NOT IN THE FACT THAT HE APPEALS TO THE NOBILITY TO USE THEIR SECULAR OFFICE ALSO AS CHRISTIANS. LUTHER DOES NOT CALL ON THE PRINCES TO REFORM THE CHURCH, BUT MERELY ASKS THEM "TO DO WHAT THEY CAN ... THAT THERE THEY MIGHT BE A COUNCIL" WHICH THEN IN TURN WOULD BE THE RIGHT INSTRUMENT FOR A CHURCH REFORM.[520] MOREOVER, LUTHER DOES NOT ENTREAT THE ELECTOR OF SAXONY OR THE DUKE OF BAVARIA OR ANY OTHER PRINCE INDIVIDUALLY TO ASSERT A SPECIAL EMERGENCY RIGHT IN THEIR RESPECTIVE TERRITORIES. BUT HE ADDRESSES THEM AS A GROUP. AGAIN THE PRINCIPLE OF PLURALITY IS USED BY LUTHER AS A DEFENSE AGAINST THE USURPATION OF THE SPIRITUAL POWER OF THE CHURCH BY ONE INDIVIDUAL. IN THE DETAILED PROPOSALS OFFERED TO THE CONSIDERATION OF A FUTURE COUNCIL, LUTHER REPEATS MANY OF THE GRIEVANCES EXPRESSED ALREADY BY THE PRINCES. BUT THE

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519. WA 6, 414, 7: "DRUMB WO SICH DER BAPST WOLT DER GEWALT BRAUCHENN, ZUWERENN EIN FREY CONCILIUM ZUMACHEN, DAMIT VORHYNDERT WURD DIE BESSERUNG DER KIRCHEN, SZO SOLLEN WIR YHN UNND SEINE GEWALT NIT ANSEHEN." THE GERMAN WORD "GEWALT" IS A STRONGER TERM THAN THE ENGLISH "AUTHORITY" USED BY CHARLES M. JACOBS IN PHILADELPHIA EDITION II, P. 78.

520. WA 6, 413: "SOL DARTZU THUN ... DAS EIN RECHT FREY CONCILIUM WERDE..."

REFORMER CHALLENGES THE POLITICAL RULERS NOW TO A CONCRETE DECISION BY URGING UPON THEM THE NECESSITY OF A COUNCIL WHICH WAS TO BREAK UP THE SCREEN OF VERBAL PROTESTATIONS THAT COVERED UP THE QUIET COOPERATION BETWEEN THE CURIA AND THE TERRITORIAL LORDS. THERE CAN BE NO DOUBT HOWEVER THAT IN THE FORMULATION OF THIS DEMAND LUTHER LABORED UNDER A GREAT STRAIN, CAUSED BY THE DEEP-SEATED IRONY WHICH HE FELT OVER AGAINST THE POWERS OF THIS WORLD. HIS SENTENCES THEREFORE ARE NOT FREE FROM AMBIGUITIES. WHEN TAKEN BY THEMSELVES THEY PERMIT A VARIETY OF CONFLICTING INTERPRETATIONS. THEREFORE IT IS NOT SURPRISING THAT THEY WERE OFTEN GIVEN A MEANING DIFFERENT FROM THE ONE WHICH THEY HAVE WHEN SEEN IN THE TOTAL CONTEXT OF LUTHER'S PRINCIPLE OF ECCLESIASTICAL AUTHORITY.

AFTER DISCUSSING THE THREE WALLS OF THE ROMAN CAPTIVITY IN THE FIRST PART OF THE "OPEN LETTER", LUTHER TREATS AT GREAT LENGTH, IN THE LAST TWO PARTS, THE PRACTICAL ABUSES AND PROPOSALS WHICH SHOULD BE DISCUSSED AT A FUTURE COUNCIL OF THE CHURCH. THE QUESTION OF WHICH SOURCES LUTHER USED FOR THIS DETAILED ACCOUNT OF THE PREVAILING CIRCUMSTANCES IN THE CHURCH IS FAR FROM BEING SETTLED. IT IS NOW GENERALLY HELD THAT LUTHER DID NOT PULL THE GREAT BULK OF MATERIAL TOGETHER ALL BY HIMSELF. IN ADDITION TO THE "GRIEVANCES OF THE GERMAN NATION" OF 1518, AN IMPORTANT SOURCE OF INFORMATION ON THE CONDITIONS IN THE HOLY CITY WAS THE LAWYER JOHN VON DER WICK WHO AT THAT TIME REPRESENTED THE HUMANIST REUCHLIN IN A LITIGATION WITH THE DOMINICANS AT THE TRIBUNALS OF THE CURIA.[521] SOME BELIEVE THAT THE TRACT "WAS THE PRODUCT OF A JOINT UNDERTAKING OF THE SAXON COURT, REUCHLIN'S LAWYER ... AND SOME OF LUTHER'S FELLOW WITTENBERG PROFESSORS, ESPECIALLY MELANCHTHON."[522]

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521. WA 6, 395

522. SCHWIEBERT, OP. CIT., P. 466

IF IT WERE NOT FOR THE DIFFERENCES OF MORE THAN FOUR HUNDRED YEARS, ONE MIGHT BE TEMPTED TO ASSUME THAT A GOOD NUMBER OF LUTHER'S POINTS WERE MADE IN THE PRESENT AGE OF "AGGIORNAMENTO". AS A FINAL COMMENT WE SHOULD LIKE TO NOTE THE STRIKING SIMILARITY BETWEEN SOME OF LUTHER'S SUGGESTIONS AND THE DECISIONS OF THE SECOND VATICAN COUNCIL, AS IS PARTICULARLY EVIDENT IN THE RESTORATION OF THE RIGHTS OF THE LOCAL BISHOPS. WHILE THE SECOND VATICAN COUNCIL DEFINES THE LOCAL DIOCESES AS PARTICULAR CHURCHES IN WHICH THE ONE, HOLY, CATHOLIC, AND APOSTOLIC CHURCH OF CHRIST IS INHERENT AND OPERATES,[523] LUTHER CRITICIZES IN FORCEFUL LANGUAGE THE PRACTICES BY WHICH IN HIS OPINION THE POPE "ROBS THE ORDINARIES OF THEIR RIGHTS, MAKES THE BISHOPS MERE CIPHERS AND FIGUREHEADS" AND CALLS FOR THE CREATION OF A PRIMATE IN GERMANY WHICH SHOULD MAINTAIN A "GENERAL CONSISTORY ... WHICH SHOULD BE THE FINAL COURT OF APPEAL FOR GERMAN CASES".[524] VATICAN II DECIDED:

> "THE BISHOPS THEMSELVES, AS SUCCESSORS OF THE APOSTLES, HAVE, IN THE DIOCESES ENTRUSTED TO THEM, ALL THE ORDINARY, PROPER, AND IMMEDIATE POWER REQUIRED FOR THE EXERCISE OF THEIR PASTORAL WORK, ALWAYS IN ALL THINGS WITHOUT VIOLATING THE POWER WHICH THE ROMAN PONTIFF HAS BY VIRTUE OF HIS OWN OFFICE FOR THE RESERVATION OF CASES TO HIMSELF OR ANOTHER AUTHORITY." [525]

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523. "DECRETUM DE PASTORALI EPISCOPORUM MUNERE IN ECCLESIA", ART. 11, IN CONCILIO VATICANO II, OP. CIT., P. 364: "A DIOCESE IS A PORTION OF THE PEOPLE OF GOD WHICH IS ENTRUSTED TO A BISHOP TO BE FED [BY HIM] WITH THE COOPERATION OF THE PRESBYTERY SO THAT, ADHERING TO ITS PASTOR AND ASSEMBLED BY HIM IN THE HOLY SPIRIT, THROUGH THE GOSPEL AND THE EUCHARIST, IT MAY CONSTITUTE A PARTICULAR CHURCH IN WHICH THE ONE HOLY CATHOLIC AND APOSTOLIC CHURCH IS TRULY PRESENT AND ACTS." ("DIOCESIS EST POPULI DEI PORTIO, QUAE EPISCOPO CUM COOPERATIONE PRESBYTERII PASCENDA CONCREDITUR, ITA UT, PASTORI SUO ADHAERENS AB EOQUE PER EVANGELIUM ET EUCHARISTIAM IN SPIRITU SANCTO CONGREGATA, ECCLESIAM PARTICULAREM CONSTITUAT, IN QUA VERE INEST ET OPERATUR UNA SANCTA CATHOLICA ET APOSTOLICA CHRISTI ECCLESIA.")

524. PHILADELPHIA EDITION II, P. 104 (WA 6,431,5)

525. "DECRETUM DE PASTORALI EPISCOPORUM MUNERE", ART. 8, OP. CIT., P. 362: "EPISCOPIS, UT APOSTOLORUM SUCCESSORIBUS, IN DIOCESIBUS IPSIS COMMISSIS PER SE OMNIS COMPETIT POTESTAS ORDINARIA, PROPRIA AC IMMEDIATA, QUAE AD

In quite a similar fashion Luther recommended:

> "... it should be decreed that when the primates or archbishops are unable to settle a case, or when a controversy arises among themselves, such a case must be laid before the pope, but not every little matter ... If a case can be settled without the pope, then His Holiness should not be troubled with such minor matters, but give himself to that prayer, meditation and care of all Christendom of which he boasts." 526

The desire of the conciliar fathers for a reorganisation of the courts of the Roman Curia, to adapt them better to the needs of the times, territories, and rites particularly with regards to number, names, and competence, 527 seems to resemble Luther's wish:

> "If ninety-nine parts of the papal court were done away and only the hundredth part allowed to remain, it would still be large enough to give decisions in matters of faith." 528

But of course there is the difference of four hundred years. Moreover there is also the doctrinal difference which cuts deeper yet: That in 1520 Luther offered his suggestions on the basis of the necessities of the practical church administration alone, while the Second Vatican Council finds the basis for its definitions in the hierarchical structure of the church and grants the restored rights to the bishops not because of the needs of the people of God alone, but because of the privileged position of the "successors of the apostles". Luther had no other choice but to differ from the opinion

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> exercitium eorum numeris pastoralis requiritur, firma semper in omnibus potestate quam, vi muneris sui, Romanus Pontifex habet sibi vel alii Auctoritati causas reservandi."

526. Philadelphia Edition II, p. 102 (WA 6,429,28)

527. "Decretum De Pastorali Episcoporum Munere", art. 9, op. cit., p. 363

528. Philadelphia Edition II, p. 83 (WA 6,417,22)

NOW EXPRESSED BY VATICAN II. THE HIERARCHICAL STRUCTURE HAD FAILED HIM. HE WAS FACED WITH A DECISION WHICH, IN THE OPINION OF A MODERN ROMAN CATHOLIC THEOLOGIAN,

> "WOULD NOT HAVE PRESENTED ITSELF IN THIS MANNER WITH A TRULY APOSTOLIC ATTITUDE OF THE BISHOPS: EITHER REFORM OF THE CHURCH WITHOUT THE BISHOPS, - OR NO CHURCH REFORM AT ALL. IN OTHER WORDS, EITHER FOLLOWING THE APOSTLES (OR CHRIST) IN THE APOSTOLIC SPIRIT, AND IN THE APOSTOLIC LIFE AND WORK, AND FROM HERE A SERIOUS CHURCH REFORM IN THE LIGHT OF THE GOSPEL, - OR FOLLOWING IN THE APOSTOLIC OFFICE (WHICH AT THAT TIME WAS PRACTISED IN A MOST UNSPIRITUAL MANNER), AND RENUNCIATION OF APOSTOLIC SPIRIT AND APOSTOLIC LIFE AND WORK IN THE CHURCH, AND THUS A RENUNCIATION OF A SERIOUS CHURCH REFORM. ... AND LUTHER MADE HIS DECISION: FOR THE APOSTOLIC SPIRIT AND APOSTOLIC LIFE AND WORK, - AGAINST THE APOSTOLIC OFFICE. IN THIS HE HOPED QUITE SERIOUSLY THAT THIS DECISION MIGHT BE ONLY A FACTUAL AND NOT A PRINCIPAL ONE, ONLY A TEMPORARY AND NOT A FINAL ONE, AND THAT THE BISHOPS MIGHT WITH THE PASSAGE OF TIME ALSO RENEW THEMSELVES IN THE APOSTOLIC SPIRIT, AND IN THE APOSTOLIC LIFE AND WORK, AND MIGHT TURN FROM BEING THE WOLVES TO BEING THE SHEPHERDS IN CHRIST'S FLOCK, AND MIGHT BECOME TRUE FOLLOWERS OF THE APOSTLES IN THE PREACHING OF THE GOSPEL AND THE CARE OF SOULS." 529

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529. KUENG, OP. CIT., P. 122F: "DIE BEI EINER ECHTEN APOSTOLISCHEN HALTUNG DER BISCHOEFE NICHT IN DIESER WEISE GEGEBEN GEWESEN WAERE: ENTWEDER KIRCHENREFORM OHNE DIE BISCHOEFE ODER KEINE KIRCHENREFORM. ANDERS GESAGT: ENTWEDER NACHFOLGE DER APOSTEL (BZW. CHRISTI) IM APOSTOLISCHEN GEIST UND IM APOSTOLISCHEN LEBEN UND WIRKEN UND VON DAHER ERNSTE KIRCHENREFORM IM LICHTE DES EVANGELIUMS ODER NACHFOLGE IM (DAMALS ZUTIEFST UNGEISTLICH GELEBTEN) APOSTOLISCHEN AMT UND VERZICHT AUF APOSTOLISCHEN GEIST UND APOSTOLISCHES LEBEN UND WIRKEN IN DER KIRCHE UND SOMIT VERZICHT AUF ERNSTHAFTE KIRCHENREFORM ... UND LUTHER ENTSCHIED SICH: FUER APOSTOLISCHEN GEIST UND APOSTOLISCHES LEBEN UND WIRKEN, GEGEN DAS APOSTOLISCHE AMT. DABEI HOFFTE ER DURCHAUS ERNSTHAFT, DASS DIESE WAHL NUR EINE FAKTISCHE UND KEINE GRUNDSAETZLICHE, NUR EINE VORLAEUFIGE UND KEINE ENDGUELTIGE SEIN WUERDE UND DASS DIE BISCHOEFE SICH MIT DER ZEIT DOCH AUCH IM APOSTOLISCHEN GEIST UND IM APOSTOLISCHEN LEBEN UND WIRKEN ERNEUERTEN UND IN DER HERDE CHRISTI AUS WOELFEN WIEDER ZU HIRTEN UND IN EVANGELIUMSPREDIGT UND SEELSORGE ZU ECHTEN NACHFOLGERN DER APOSTEL WUERDEN."

CHAPTER FOUR:

THE STRUGGLE FOR A NEW CHURCH ORGANISATION

THE POWER OF CHRIST'S CONGREGATION

Reform in the Freedom of Christ's Spirit

On March 9th, 1522, Luther suddenly was back in his pulpit in Wittenberg to deliver the sermon for that day, Invocavit, the first Sunday in Lent, - much to the surprise of his parishioners. In the year before, after the encounter with the emperor had stripped him of his rights as a citizen of the empire, he had mysteriously disappeared on his way back from Worms. The Saxon elector had secretly taken him into custody and whisked him away to the Wartburg to protect the "nightingale of Wittenberg" from bodily harm. This action of Frederic the Wise was not a violation of the existing church laws; for at that particular moment Luther's official relation to Rome was still undefined from a legal point of view. After the issuance of the bull "Decet Romanum" of January 3rd, 1521, which pronounced Luther a heretic, there was still for some time a confusion whether Luther was or was not to be considered a member of the Roman communion. As Bainton has shown, "he was not actually excommunicated until the clergy were notified to refuse him communion".[530] But this action could not be taken until October 1521 as a result of some errors in the formulation of the papal bull which first needed revision.[531] The irony of the situation was therefore that at least during the first part of Luther's stay at the Wartburg, the Saxon elector protected a communing member of the

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530. Bainton: Studies on the Reformation, op. cit., p. 94

531. Ibid., pp. 95-96

ROMAN CHURCH AGAINST THE DANGERS WHICH THREATENED FROM THE IMPERIAL OUTLAWRY ON A CHARGE OF HERESY.[532]

LUTHER'S UNEXPECTED RETURN TO WITTENBERG CAME AS A SHOCK FOR MANY OF HIS FRIENDS. HE ADDRESSED THEM WITH BITING IRONY: "SOME OF YOU HAVE A STRONGER FAITH THAN I",[533] AND THEN HE ADDED WITH THE BITTERNESS OF FRUSTRATION: "I MAY SAY THAT NONE OF THE ENEMIES WHO OPPOSED ME UNTIL NOW HAVE BROUGHT SO MUCH GRIEF UPON ME AS YOU."[534] DURING HIS ABSENCE A REFORM OF THE CHURCH IN WITTENBERG HAD BEEN BEGUN BY CARLSTADT, LUTHER'S FRIEND AND DEAN OF THE WITTENBERG UNIVERSITY. PRESSURE WAS BROUGHT ON NUNS AND PRIESTS TO GET MARRIED IN ORDER TO GIVE EVIDENCE OF THEIR EVANGELICAL FAITH. THE ROMAN MASS WAS ABOLISHED BY LAW OF THE CITY COUNCIL. COMMUNION WAS ADMINISTERED IN BOTH KINDS, AND THE ELEMENTS WERE PLACED IN THE HANDS OF THE COMMUNICANTS. THE TRADITIONAL CONFESSION BEFORE THE RECEPTION OF THE SACRAMENT WAS ABOLISHED, AND FINALLY THE IMAGES IN THE CHURCH WERE TORN DOWN AND DESTROYED. FOR US TODAY IT MAY BE DIFFICULT TO APPRECIATE THE FULL IMPACT OF SUCH DRASTIC MEASURES UPON MINDS WHICH FOR A WHOLE LIFETIME HAD BEEN SHAPED BY THE ROMAN DOCTRINE AND WERE ALSO STEEPED IN THE SUPERSTITIOUS NOTIONS OF THEIR TIME. THE MARRIAGE OF A PRIEST OR NUN MUST HAVE APPEARED TO MANY AS A DISGUSTING ACT OF ADULTERY SHAMELESSLY COMMITTED IN THE PUBLIC EYE. THE MERE THOUGHT OF HANDLING THE ELEMENTS WITH ONE'S OWN UNCONSECRATED HANDS MUST HAVE FILLED PEOPLE WITH A PANIC TERROR - A SACRILEGE THAT COULD BE FOLLOWED ONLY BY THE END OF THE WORLD OR SOME OTHER CATASTROPHE.

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532. THE LEGAL EMBARRASSMENT IN WHICH THE PAPAL LEGATE FOUND HIMSELF BEFORE AND DURING THE DIET AT WORMS IS FULLY EXPLAINED BY BAINTON, HERE I STAND, OP. CIT., PP. 132-140.

533. "THE EIGHT WITTENBERG SERMONS", PHILADELPHIA EDITION, II, P. 393 (WA10,III,6,1)

534. IBID., P. 415 (WA 10,III,47,15)

In this first week of Lent in 1522, Luther gave eight sermons from the Sunday Invocavit to the next Sunday Reminiscere. These "Eight Wittenberg Sermons" are of particular interest to us. In criticising Carlstadt's attempt, Luther has to restate his own principles of a reformation in a concise manner. He does not wish to defend any of the things which Carlstadt has done away with during his absence. He is no more interested in the celibacy of the ministers, in the Latin Mass Canon with communion in one kind, in the superstitious veneration of the elements, in altar images, than Carlstadt - or, as we might add today in retrospect, than Zwingli and Calvin or the liturgical reformers in the Roman Catholicism of our days. The reason why he comes down so hard on his hearers is a different one. It is the manner in which these reforms have been carried out. The power of the worldly authorities has been applied. People have been forced into actions in which they personally do not yet believe. But "where the heart is not good, I care nothing at all for the work. We must first win the hearts of the people."[535] This exercise of evangelical freedom has been without love for the brother. The church's witness to Christ has been turned into a law which only exacts from the people the "correct" works but is not concerned with their faith.[536] With all the knowledge of the gospel, of scripture, and of divine inspiration, the Wittenbergers have failed to act under the lordship of Christ. "Here one can see that you have

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535. Ibid., p. 398 (WA 10,III,16,2)

536. Ibid., p. 395: "Take note of these two things, 'must' and 'free'. The 'must' ... as, for instance, the faith, which I shall never permit anyone to take away from me, but which I must always keep in my heart and freely confess before every one. But 'free' is that in which I have choice, and may use or not, yet in such wise that it profit my brother and not me. Now do not make a 'must' out of what is 'free', as you have done." (WA 10,III,11,4)

NOT THE SPIRIT, IN SPITE OF YOUR DEEP KNOWLEDGE OF THE SCRIPTURES."[537] WHERE THE BIBLE IS SUBORDED BY A PARTY LINE WHICH SEEKS THE ACCOMPLISHMENT OF PROGRAM POINTS INSTEAD OF THE FAITH OF THE BROTHER IN JESUS CHRIST, THERE IT IS NOT THE BIBLICAL CHRIST WHO IS PUBLICLY PROCLAIMED IN THE CHURCH, BUT A LAW DEVISED BY MAN. TO THE CONCERN "BUT, THEN, WE'LL NEVER GET ANYTHING DONE", LUTHER ANSWERS: "I WOULD NOT MAKE IT AN ORDINANCE FOR THEM, NOR URGE A GENERAL LAW; HE WHO WOULD FOLLOW ME COULD DO SO, AND HE WHO REFUSED WOULD REMAIN WITHOUT."[538]

WHAT, THEN, IS THE WAY OF REFORMING THE CHURCH IN THE SPIRIT OF CHRIST? LUTHER'S PRINCIPLE "WE SHOULD PREACH THE WORD, BUT THE CONSEQUENCES MUST BE LEFT TO GOD'S OWN GOOD PLEASURE"[539] IS NOT "PASSIVISM", BUT IT IS THE CHALLENGE TO AN "ACTIVISM" OF A SPECIAL KIND. LUTHER IS WILLING TO ENTRUST THE CAUSE OF THE REFORMATION SO FIRMLY TO THE CONFESSION OF CHRIST'S LORDSHIP IN THE PUBLIC PROCLAMATION OF THE CHURCH AND IN THE LIFE OF EACH MEMBER, BECAUSE HE HAS FULL CONFIDENCE IN THE INTERRELATED WORK OF THE HOLY SPIRIT AND CHRIST.

> "I WILL PREACH IT, TEACH IT, WRITE IT, BUT I WILL CONSTRAIN NO MAN BY FORCE, FOR FAITH MUST COME FREELY WITHOUT COMPULSION. TAKE MYSELF AS AN EXAMPLE. I HAVE OPPOSED INDULGENCES AND ALL THE PAPISTS, BUT NEVER BY FORCE. I SIMPLY TAUGHT, PREACHED, WROTE GOD'S WORD; OTHERWISE I DID NOTHING. AND THEN WHILE I SLEPT, OR DRANK WITTENBERG BEER WITH MY PHILIP AND WITH AMSDORF THE WORD SO GREATLY WEAKENED THE PAPACY, THAT NEVER A PRINCE OR EMPEROR INFLICTED SUCH DAMAGE UPON IT. I DID NOTHING; THE WORD DID IT ALL."[540]

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537. IBID., P. 395 (WA 10,III,11,3)

538. IBID., P. 398 (WA 10,III,16,6)

539. "THE EIGHT WITTENBERG SERMONS", PHILADELPHIA EDITION, II, P. 398 (WA10,III, 15,11)

540. IBID., P. 399f; THE REFERENCE "WITH MY PHILIP AND WITH AMSDORF" IS TO PHILIP MELANCHTHON AND NICHOLAS VON AMSDORF. (WA 10,III,18,10)

THERE IS A GREATER FORCE IN THE CHURCH THAN THE MERE "ACTIVISTS" WHO HAVE THEIR HANDS, THEIR HEARTS, AND THEIR MINDS FULL WITH THE ACHIEVEMENTS OF PROGRAM POINTS, - THOSE "PASSIVISTS" NAMELY WHO HAVE COME UNDER THE IMPACT OF GOD'S WORD, WHO ARE CONSTANTLY BOTH SHATTERED AND NEWLY BUILT UP BY THE GLORIFICATION OF CHRIST AS LORD OVER THEIR LIVES. FACING THEIR OWN FALSENESS AND CORRUPTION, THEY ARE CONSTANTLY KEPT BUSY AND ACTIVE WITH BELIEVING THAT CHRIST NEVERTHELESS HAS COME TO THEM AS THEIR LORD AND REDEEMER. THIS IS THE HARDEST PART OF ALL.

> "WE LIKEWISE NEED PATIENCE. FOR WHOEVER HAS FAITH, TRUSTS IN GOD AND SHOWS LOVE TO HIS NEIGHBOR, PRACTISING IT DAY BY DAY, MUST NEEDS SUFFER PERSECUTION. FOR THE DEVIL NEVER SLEEPS, AND CONTINUALLY MOLESTS. BUT PATIENCE WORKS AND PRODUCES HOPE, WHICH FREELY YIELDS ITSELF TO GOD AND FINDS SOLACE IN HIM." 541

SUCH A FAITH IS A LIVING ACTIVE THING. IT IS PRACTISED IN PATIENCE AND LOVE TO THE NEIGHBOR BUT IN SUCH A MANNER THAT IN DEALING WITH A WORLD OF TENSION AND PRESSURE ALL AROUND ONE HAS TO SHOW HIS COLORS AND CONFESS WHOM HE ACKNOWLEDGES AS LORD OVER HIS LIFE. IT IS THIS FAITH WHICH IN LUTHER'S OPINION IS THE DYNAMIC POWER OF THE CHURCH; FOR HERE ONE HAS TO DECIDE DAILY WHOM HE REALLY FEARS, WHOM HE REALLY TRUSTS AND WHOM HE REALLY LOVES. 542.

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541. Ibid., P. 392f (WA 10,III,4,13)

542. FOR AN EXPRESSION OF LUTHER'S CONFESSIONAL PRINCIPLE IN OUR DAYS CF. THE REPORT OF JOHANNES HAMEL ON HIS MINISTRY AS UNIVERSITY CHAPLAIN IN HALLE, EAST GERMANY - A CHRISTIAN IN EAST GERMANY, TRANS. BY R. & C.C. WEST, SCM PRESS, LONDON, 1960, P. 32f: "IT IS CORRECT THAT UNDERSTANDING FOR CHRISTIAN THINGS IS DECREASING RAPIDLY AND THAT ANOTHER FAITH IS EXPANDING. ... BUT THOSE WHO ARE STRENGTHENED BY CHRIST HIMSELF SEE A REALITY WHICH IS QUITE DIFFERENT FROM THAT IMAGINED BY CLEVER UNBELIEF. ... THIS SO COMPLETELY RELIGIONLESS MAN AMONG US HAS A FINE EAR FOR THE VOICE OF THE LIVING GOD WHO IS THE COMMANDER, THE JUDGE AND SAVIOUR OF ALL. THE THINGS THAT HAPPEN IN THE ENCOUNTER BETWEEN SUCH MEN AND CHRISTIANS, QUIET AND HIDDEN THOUGH IT IS, ARE IN FACT THE MOST IMPORTANT EVENTS OF OUR DAY... 'CHRISTIANITY' HAS SHOWN ITSELF TO BE HOPELESSLY INADEQUATE, BUT THE WORD OF THE LORD WHO HAS COME AND WHO IS COMING CONTINUES TO TRIUMPH, EVEN AMONG THE DEFEATS AND FAILURES OF ITS MESSENGERS."

But the whole matter had two sides. Luther was not a champion for the freedom of any religion whatever. Already the blunt reprimand given to his colleague Carlstadt in the public sermons disqualify him from such a role. The scriptural witness to Jesus Christ was to be proclaimed in the public assembly of the congregation and endorsed by a free and willing acceptance of its members. Once this was done, the issue was settled for Luther, and the time for patience and tolerance was over. In place of the sudden changes which Carlstadt had tried to introduce to the members of the congregation, Luther followed the advice he had once given to his students of rebuking "first of all the prominent leaders among the people".[543] Thus he sought to begin a program of liturgical reform at All Saints' Church in Wittenberg, also called the Castle Church, whose patron was the Saxon elector himself.

Frederic the Wise had more than one reason to pride himself on this church. In addition to a lavishly decorated interior and the rich endowments which it received from the elector, this house of worship was also the place at which the unusual collection of relics was on display which Frederic the Wise had amassed with great care and personal love.[544] Even before Carlstadt started his reforms, Luther had begun to inveigh against this darling of Frederic the Wise. In November 1521 he urged the elector's chaplain: "If only

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543. LR 22 (WA 56,175); cf. supra, p. 137, note 324

544. The "Wittenberg Sanctuary Book" listed a total of 5,005 relics, arranged in eight rounds, with an exact description of the number of days of indulgences which could be obtained by a careful contemplation of them. The grand total of days for which one could be released out of purgatory through one complete visit of the collection added up to 501,620 days. But then, of course, one had to work at it and follow all the instructions of the catalogue. Cf. Mirbt, op. cit., 4th edition, 1924, p. 251; Schwiebert, op. cit., pp. 235-244.

OUR PRINCE WOULD ABOLISH ALSO HIS WITTENBERG BETH-AVEN",[545] REFERRING TO THE IDOLS FROM WHICH HOSEA HAD TRIED TO TURN AWAY THE PEOPLE OF ISRAEL (HOSEA 4:15; 10:5). A YEAR LATER HE SAW HIMSELF CAST IN THE ROLE OF AMOS CONFRONTED WITH THE KING'S IDOLATROUS SANCTUARY IN BETH-EL WHICH WAS DEFENDED BY AMAZIAH (AMOS 7:13). HE CALLED THE WHOLE AFFAIR A BROTHEL, - WORSE YET: "IF ONLY IT WERE A BROTHEL! BUT IT IS SIN, OR AS AMAZIAH SAYS IN AMOS, IT IS THE SANCTUARY OF THE KING."[546] HOWEVER FREDERIC OF SAXONY WAS NOT AT ALL COMPLETELY WON OVER TO THE CONSEQUENCES WHICH LUTHER EXPECTED FROM A REFORMATION OF THE CHURCH. HE HAD NO MIND TO DESTROY HIS TREASURE HOUSE, SO LOVINGLY ASSEMBLED, JUST AT THE WORD OF ONE OF HIS PREACHERS.

IN 1523 LUTHER GAVE HIS ATTACK A NEW TURN. IN ORDER TO STOP THE WELL PAID PRIVATE MASSES WHICH THE ELECTOR HAD DAILY OFFERED THERE, HE THREATENED TO CALL THE LOCAL CITY MAGISTRATE INTO ACTION AGAINST THE PRIESTS WHO OFFERED THEM. HE CLAIMED TO KNOW THAT ALL OF THE CLERGY AT ALL SAINTS', WITH THE EXCEPTION OF THREE PERHAPS, HAD VISITED PUBLIC BORDELS; HE EVEN LISTED NICOLAUS VON AMSDORF AS A WITNESS TO CONFIRM THE ACCUSATION. IN HIS OPINION, IT WAS THE DUTY OF THE MAGISTRATE "EITHER TO STOP THEIR HARLOTRY OR FORCE THEM TO MARRY" ; FOR HE REASONED: "TO BE SURE NOBODY CAN OR SHOULD BE FORCED TO PIETY AND FAITH. YET

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545. LUTHER'S LETTER TO SPALATIN OF NOVEMBER 22, 1521 IN WA BR 441: "VTINAM & PRINCEPS NOSTER BETHAUEN QUOQUE SUAM WITTEMBERGENSEM ABOLERET."

546. LUTHER'S LETTER TO SPALATIN OF DECEMBER 19TH, 1522 IN WA BR 558: "... VTINAM LUPANAR TANTUM ESST! SED PECCATUM SEU, VT AMAZIAS APUD AMOS AIT, SANCTIFICATIO REGIS EST." IT IS NOT CLEAR WHY BAINTON CONCLUDES FROM THESE AND SIMILAR PASSAGES THAT LUTHER WANTED THE PRINCE "TO ACT NOT MERELY AS PATRON, BUT AS MAGISTRATE" (BAINTON: STUDIES ON THE REFORMATION, OP. CIT., P. 31). LUTHER'S WISH THAT "THE PRINCE MAY PUT IN HIS HAND" CLEARLY REFERS TO THE WITTENBERG "BETH-AVEN" CREATED AND MAINTAINED BY FREDERIC HIMSELF.

PUBLIC OFFENSES MUST BE ABOLISHED."[547] BUT NOTHING CAME OF THIS THREAT. THUS WE SHALL NEVER KNOW FOR SURE WHETHER "THEIR PRIVATE MORALS WOULD NOT BEAR TOO CLOSE SCRUTINY"[548], AS SCHWIEBERT CLAIMS. EQUALLY INEFFECTIVE WAS THE ADMONITION WHICH LUTHER GAVE TO THE CANONS IN HIS LETTER OF MARCH 1ST, 1523: "ENOUGH HAS BEEN GRANTED IN THE NAME OF THE WEAKNESS OF FRIENDS. BUT I SEE THAT THIS TOLERANCE OF MANY TURNS INTO AN OCCASION FOR OBSTINACY AND CONTEMPT."[549] THE ELECTOR CONTINUED TO KEEP HIS PROTECTING HAND OVER HIS "WITTENBERG BETH-AVEN" AND ITS CLERGY. IN TWO RESOLUTIONS OF AUGUST 25TH AND SEPTEMBER 4TH HE DECREED THAT THE ENDOWED FOUNDATIONS HAD TO BE HONORED BY THE CHAPTER OF THIS CHURCH.[550] IN A SIMILAR MANNER HE REFUSED PERMISSION TO THE ADMISSION OF A MARRIED MAN AS DEAN OF HIS SANCTUARY.[551] AT THE SAME TIME HE INFORMED LUTHER THROUGH THE ELECTORAL COUNSELORS AND MELANCHTHON THAT HE WAS TO STOP HIS AGITATION AND ABSTAIN FROM ANY LITURGICAL REFORMS WHICH GAVE CAUSE TO DISCORD, UNTIL A FU-

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547. LUTHER'S LETTER TO SPALATIN OF JANUARY 2ND, 1523 IN ERNST L. ENDERS (ED.): DR. MARTIN LUTHER'S BRIEFWECHSEL, CALW, STUTTGART, 1884FF- HEREAFTER ABBREVIATED AS "ENDERS" - VOL. 4, NR. 608, P. 54: "... SCORTACIONES EORUM PROHIBERE VEL AD MATRIMONIA COGERE. NEMO SIQUIDEM AD PIETATEM ET FIDEM COGI POTEST NEC DEBET, SCELERA TAMEN PUBLICA TOLLENDA SUNT." (WA BR NR. 566)

548. SCHWIEBERT, OP. CIT., P. 544

549. LUTHER'S LETTER TO THE CANONS IN WITTENBERG OF MARCH 1ST, 1523 IN ENDERS 4, NR. 630, P. 90: "SATIS DATUM EST INFIRMITATI AMICORUM, ET VIDEO MULTORUM HANC TOLERANTIAM FIERI OCCASIONEM PERTINACIAE ET LUDIBRIO..." (WA BR NR. 586)

550. ENDERS 4, NR. 680, P. 177, NOTE 1 (WA BR NR. 634; NOTE "NACHGESCHICHTE")

551. LUTHER'S LETTER TO SPALATIN OF AUGUST 3RD, 1523 IN ENDERS, 4, NR. 690, P. 200: "... SINCE THE PRINCE REFUSES TO ADMIT A MARRIED MAN TO OUR BETH-AVEN, ..." ("... QUANDOQUIDEM PRINCEPS ASCISCI CONJUGEM NON PERMITTIT AD BETHAVEN NOSTRAM, ..."). CF. LUTHER'S LETTER TO SPALATIN OF FEBRUARY 9TH, 1523 IN ENDERS 4, NR. 624, P. 81. (WA BR NR. 641; CF. WA BR NR. 582)

ture general council.[552] No doubt, Frederic acted in this not only as a prince but also as a prominent layman of his church who did not want to see his own bequests to the church, as well as those of his forefathers and other wealthy members, suddenly despised or turned to some new unknown purpose. Luther promised to abstain from any act of violence, but not from attacking the private mass in his sermons.[553] Thus he continued to harass the dignitaries of the church in Wittenberg.

In 1524 the war of nerves took an ugly turn and almost escalated into hot battle. When three freshly elected priests refused to offer the mass sacrifice at All Saints' in July 1524, Frederic simply cut off their stipends.[554] He felt that they had broken the promise which they had made as a condition of their election the year before.

> "But at that time they let it be known: their intention and will was to be priests as well as to hold the statutes of the church. For this reason we then gave our consent. But now they have fulfilled their promise and agreement is known all too well." 555

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552. The instruction of Elector Frederic to Jerome Schurf, John Schwertfeger, and Melanchthon for Luther of August 7th, 1523 in Enders 4, Nr. 692, p. 203: "... we therefore would like to see that Doctor Martinus may not undertake anything else in matters of such a discrepancy until a future council, according to the promise and agreement which he has given, or until a necessary and proper examination of these and other things may be had through due counsel in another manner." (" ... so wollten wir uns versehen, Doct. Martinus werde seiner hiervor gethanen Bewilligung und Zusage nach in den Dingen mit solcher Unstumigkeit bis auf das kuenftige Concilium, oder dass sonst in andere Wege mit zeitigem Rath in dem und andern nothduerftig und billige Einsehung geschehe, nichts weiter vornehmen.")

553. The report of Schurf, Schwertfeger, and Melanchthon to Elector Frederic of August 13th, 1523 in Enders 4, Nr. 695, p. 207f

554. Luther's letter to Lang of July 6th, 1524 in Enders 4, Nr. 806, p. 362f

555. Elector Frederic's letter to Schurf and Luther of July 10th, 1524 in Enders 4, Nr. 808, p. 364: "... sie haben sich dozumal vernehmen lassen: ihr Gemuth und Meinung waer, dass sie Priester werden wollen, auch der Kirchen Statuta halten; darauf haben wir es lassen beschehen. Wie sie aber ihrer Zusag und Bewilligung in dem nachkommen, das weiss man zu guter Mass ..."

Luther at first kept quiet. Even on October 17th, 1524 he still wrote thus to Spalatin about the change of "the impious ceremonies": "There will be a time when God wants it."[556] But only a month later Luther decided that this was the time when God wanted it. On November 17th he sent an ultimatum to the canons. He wanted a clear yes or no on the question of the administration of the sacrament. Despite the elector's repeated admonition to keep from violence, Luther poured forth an inflammatory sermon against the "sacrilegious idolatry of the mass sacrifice".[557] It would be a euphemism to call this address a public proclamation of the biblical witness to Jesus Christ. Rather, Luther proclaimed his violent anger by describing the blasphemy of sacrificing Christ every day anew, and the impending wrath of God which was certain to gush forth like a red hot oven ("wie ain glyeender backoffen"). He admonished the hearers not to get lost with the crucifiers of Christ, referring to the priests offering the mass sacrifice. He also urged

> "all princes and authorities, mayors, magistrates and judges to take to heart such a cruel blasphemy and to take them to account, to have them answer for such a blasphemy". [558]

As a result of this harangue most of the local magistrates and the rector of the university informed the canons that they would break off any relations with those church dignitaries who still insisted in the mass sacrifice, while the dean's windows were smashed by the townspeople at night.[559] The complaint

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556. Luther's letter to Spalatin of October 17th, 1524 in Enders 5, Nr. 833, p. 37: "... erit tempus, cum Deus volet, ..."

557. WA 15, 765, 10: "allerschendtlichisten Abgoetterey des gotsslesterlichen Canon"

558. WA 15, 774, 22: "... all Fuersten und obersten, Burgermayster, Radt und Richter, das sy solch grausam gotsslesterung zu hertzen fassen unnd die zu red stellen, sich zuverantwurten Uber solliche gotsslesterung."

559. Cf. Enders 5, Nr. 844, p. 54, note 1; Bainton: Studies on the Reformation, op. cit., p. 32f

of the frightened priests was answered by the elector with an expression of his misgiving but not by a stern investigation of the incident. Apparently even Frederic was now ready to accept the facts as being established. On December 2nd, 1524, Luther made the understatement: "We finally have moved our canons to consent to the abrogation of the mass."[560]

In this instance Luther cannot be absolved of a fair amount of demagoguery. He clearly had gone beyond the limits set to the public preaching by scripture and the witness to Christ. He "indulged in incendiary utterances likely to inspire the very lawlessness which he deplored".[561] But it must be kept in mind that this violent outburst occurred in the heat of battle. In the drawn-out struggle which had gone before, it was the defenders of the mass sacrifice who had enjoyed the protection of the most powerful layman in Saxony, the elector, who resented the rebuke administered to his deep-seated personal religious feelings and practices. In the end Luther therefore saw no other solution but to play out one temporal power against the other by stirring the local authorities in Wittenberg into action. To the charge of using the secular power for forcing the acceptance of faith and the gospel, he replied not without reason a year later: "Why do they not act as the first ones in such a manner as they now suddenly argue?"[562]

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560. Luther's letter to Amsdorf of December 2nd, 1524 in Enders 5, Nr. 852, p. 80: "Canonicos nostros perpulimus tandem, ut consentiant missas esse abrogandas."

561. Bainton, Studies on the Reformation, op. cit., p. 33

562. Luther's letter to Spalatin of November 11th, 1525 in Enders 5, Nr. 1002, p. 271: "... cur ipsi primi non sic faciunt, ut nunc demum argumentantur?"

The Rights of the Local Congregation.

Since the attempts to reform the church in Wittenberg were not free from the confusion of violent outbursts, it will be necessary to examine the steps which Luther took in the reform of another church in order to come to a full understanding of the concrete application of Luther's principle of ecclesiastical authority. Of particular interest for us in this are the developments in the church at Leisnig to which Luther gave a very special concern during the same time in which the struggles with All Saints' increased in Wittenberg.

Leisnig is a little Saxon town on the Mulde River. To the community belonged at that time eleven incorporated villages and hamlets in the vicinity. The ecclesiastical jurisdiction had been exercised since the end of the twelfth century by the abbot of the Cistercian monastery Buch or Ilgenthal, about an hour's walk distant from the town. Then the community had come under the influence of the evangelical movement. Some time in the summer of 1522, a first start for a reformation of the church life was made through the abolition of processions, indulgences, and the ringing of bells. After repeated requests, Luther visited the parish on September 25, 1522, and conferred with some of its members. While we do not have a protocol of this conference, it is not hard to imagine in which direction Luther influenced the thinking of these people. Towards the end of the year, a general parish assembly was held which dismissed the incumbent priest, who had been appointed by the abbot of Buch. Two clergymen who had lived in the community for some time and were known for their evangelical inclinations were elected and called by the assembly to assume the office of public ministry in the parish.[563] In contrast to

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563. The new pastors were Heinrich Kind, a former monk of the monastery of Buch, and Master Johann Gruner, probably identical with a certain J. Gro-

THE MINISTRY OF THE FORMER PRIEST, THE NEW MEN WERE CALLED BY THE GENERAL ASSEMBLY TO BE "THE RIGHT, TRUE, FAITHFUL 'SEELSORGER' [MINISTERS], NAMELY THROUGH ADMINISTRATION OF THE CHRISTIAN SACRAMENTS AND PROCLAMATION OF GOD'S WORD."[564]

WITHIN THE CIRCUMSTANCES OF THAT TIME, SUCH A CHANGE OF MINISTERS WAS A STROKE AGAINST A WHOLE ESTABLISHED WAY OF LIFE, WHICH WAS BOUND TO AFFECT THE LIFE NOT ONLY OF THE CHURCH BUT OF THE ENTIRE COMMUNITY. THE MOST DISQUIETING QUESTION IN THE MINDS OF THE PEOPLE WAS NO DOUBT THE PROBLEM OF THE PROPER AUTHORITY: COULD THEY, PLAIN CLOTH-MAKERS, COOPERS, AND PEASANTS, INDEED, DO SUCH A MONSTROUS THING AS DISMISS ONE REVEREND LORD OVER THEIR SOULS AND CALL ANOTHER? BUT THEN THERE WERE ALSO EXTREMELY KNOTTY PROBLEMS OF A PRACTICAL NATURE: WHO WAS TO PROVIDE FOR THE LIVELIHOOD OF THESE NEW MINISTERS? THEN, WHO WAS TO BE RESPONSIBLE FOR THE UPKEEP OF THE CHURCH BUILDINGS? AND WHAT ABOUT THE ROAD AND THE BRIDGE WHICH AS ACCESS ROUTES TO THE CHURCH HAD SO FAR BEEN THE RESPONSIBILITY OF THE ABBOT? WAS THE BRIDGE TOLL THAT THE ABBOTT HAD COLLECTED TO BE CONTINUED? IF SO, WHO WAS TO SUPERVISE THE COLLECTION OF THE TOLL? WITH A POSSIBLE DECLINE OF THE MONASTERY IN SIGHT, WHAT WAS TO BE DONE ABOUT THE REMAINING INMATES WHO FOR A GOOD PART KNEW NO TRADE AND WERE TOO OLD TO LEARN ANY? WERE THEY TO BE ADDED TO THE NUMBER OF BEGGARS IN TOWN? WITH THE MORE EDUCATED MONKS LOOKING FOR OTHER OCCUPATIONS, WHO WAS TO TAKE CARE OF THE INSTRUCTION OF THE CHILDREN IN THE COMMUNITY? WHO WAS ULTIMATELY TO BE THE LEGITIMATE HEIR TO THE GENERAL PROPERTY OF THE MONASTERY? IN SHORT, TO

NIGERUS OR GROHER WHO HAD FORMERLY BEEN PREACHER AT OSCHATZ. CF. WA 12, PP. 3, 7

564. QUOTED BY KAWERAU FROM AN UNDATED LETTER WRITTEN BY THE PARISH TO THE SAXON ELECTOR. WA 12, P. 4

abolish the abbot's authority was one thing - to assume his responsibilities was quite another. In order to prevent the deterioration of the church life and utter chaos in the community, an order, a regulation of powers and responsibilities was desperately needed.

On January 25, 1523, the parish sent two delegates to Luther to take counsel with him again. They asked him 1) for a statement which would from scripture explain the true status of their newly elected ministers, 2) for an evangelical order for the worship service, 3) for his advice on the "Ordinance of a Common Chest", a parish constitution which had been prepared in Leisnig in the meantime. Luther answered to their requests in three publications during this spring of 1523, in the two treatises "Concerning the Ordering of Divine Worship in the Congregation"[565] and "The Right and Power of a Christian Congregation or Community to Judge All Teaching and to Call, Appoint, and Dismiss Teachers, Established and Proved From Scripture",[566] and then in the publication of the "Ordinance of a Common Chest" with a preface of his own in which he endorsed this Leisnig order and recommended it as an example to be followed by all parishes.[567] We shall first turn our attention to Luther's own treatise "The Right and Power of a Christian Congregation"; for it is here that Luther draws out his doctrine of the church into its last consequences for the concrete order of the visible church. Then we shall turn to the "Ordinance of a Common Chest" to see the system by which the everyday reality of the church is ordered here in a practical manner.

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565. Philadelphia Edition, Vol. VI, pp. 60ff (WA 12,35ff)

566. Philadelphia Edition, Vol. IV, pp. 75ff (WA 11,408ff)

567. "Preface to an Ordinance of a Common Chest", Philadelphia Edition, Vol. IV, pp. 92ff (WA 12,11ff)

Luther begins the treatise "The Right and Power of a Christian Congregation" with a restatement of his basic ecclesiological principle: Neither the vested rights of the abbot, however justified they may be in every other respect, nor the vested rights of the congregation, however justified in every other respect they may be, can make a legitimate claim upon the appointment or dismissal of public preachers.

> "... in this matter of judging teachings and of appointing and dismissing teachers or pastors, not the least attention is to be paid to any human decree, law, precedent, usage or custom, whether it be decreed by pope or emperor, whether it have been observed by half the world or by all the world, whether it be in existence for one year or for a thousand years. The soul of man is eternal and above everything that is temporal; therefore it must be ruled and equipped with an eternal word alone. It is most absurd to rule conscience, in God's stead, by means of human law and long established custom. We must be guided, therefore, in this matter by the Scriptures and the Word of God." 568

It is the communicative character of the Christ-event which determines the proper distinction of functions in the visible church. The preacher must be clearly distinguished from the rest, or else no hearing is possible. But the judgment whether his preaching is the Word of God or not, must be carried out by the hearers. Therefore the acceptance of the publicly preached Word implies constantly a new decision of the hearer, - it demands the ongoing judgment by the congregation of what is God's living Word in a given situation and what is not. Again Luther takes his stand on that verse, which expresses for him the centre of all life in the church, John 10:27: "My sheep hear my voice", and he points out:

> "He [Christ] takes from the bishops, theologians and councils both the right and power to judge doctrine, and confers them upon all men, and upon all Christians in particular ... Here you see plainly who has the

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568. Philadelphia Edition, Vol. IV, p. 76 (WA 11,408,29)

> RIGHT TO JUDGE TEACHING. BISHOPS, POPE, THEOLOGIANS, AND ANY ONE ELSE HAVE THE POWER TO TEACH; BUT THE SHEEP ARE TO JUDGE WHETHER WHAT THEY TEACH IS THE VOICE OF CHRIST OR THE VOICE OF STRANGERS." 569

SINCE THE CONGREGATION OF HEARERS IS THE LEGITIMATE JUDGE OF THE TEACHING, IT IS THE CONGREGATION OF HEARERS WHICH ALSO HAS THE PROPER AUTHORITY TO "CHOOSE AND CALL, OUT OF ITS NUMBER, ONE WHO IS TO TEACH THE WORD IN ITS STEAD." 570

NEVERTHELESS, THIS DOCTRINE IS NOT INTENDED TO DESTROY THE EPISCOPAL OFFICE, BUT RATHER TO RESTORE IT TO TRUE APOSTOLIC DIGNITY. THE APOSTLES DID NOT USE THE LAYING ON OF HANDS AS AN INSTRUMENT OF POWER; BUT THEY LET THE CONGREGATION ELECT THE DEACONS AND THEN AFTERWARDS APPOINTED THESE MEN TO THEIR OFFICE THROUGH THE LAYING ON OF HANDS (ACTS 6:3FF). THE HIGH AND NOBLE TASK OF A BISHOP IS TO APPOINT "THE RIGHT SORT OF PREACHERS", 571 NAMELY MEN WHO ARE "BLAMELESS, NOT ARROGANT OR QUICK-TEMPERED" (TITUS 1:7), "ABOVE REPROACH, TEMPERATE, SENSIBLE, DIGNIFIED ... NOT SILENT BUT GENTLE, NOT QUARRELSOME, AND NO LOVER OF MONEY" (I. TIMOTHY 3:2F). SUCH MEN, HOWEVER, CANNOT BE FORCED UPON A CONGREGATION AGAINST ITS WILL. THEREFORE,

> "... NO BISHOP OUGHT TO APPOINT ANYONE WITHOUT THE CONSENT, CHOICE AND CALL OF THE CONGREGATION; IT IS HIS DUTY RATHER TO CONFIRM THE MAN WHOM THE CONGREGATION HAS ELECTED AND CALLED." 572

THE "RULE" OF THE BISHOP IS, THEREFORE, NO RULING AT ALL. IT IS NOT THE APPLICATION OF AUTHORITY DERIVED FROM A DIVENELY INSTITUTED OFFICE, BUT WILLING SUBJECTION TO THE OTHER BASED ON THE CONFIDENCE THAT THE HOLY SPI-

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569. IBID., P. 76F (WA 11,409,20)

570. IBID., P. 81 (WA 11,413,20)

571. IBID., P. 82 (WA 11,414,2)

572. IBID., P. 82 (WA 11,414,12)

RIT WILL DO HIS WORK IN CHRIST'S CONGREGATION.[573] THE SAME RULE APPLIES EQUALLY TO THE CONGREGATION. THEREFORE LUTHER OPENS HIS TREATISE WITH THE ADMONITION THAT THOSE WHO "ENGAGE IN PURELY HUMAN AFFAIRS UNDER THE COVER OF THE NAME OF A CHRISTIAN CONGREGATION"[574] ARE TO BE JUDGED AS "NON-CHRISTIANS". LUTHER THUS DOES NOT RALLY THE CONGREGATION TO DO AWAY WITH THE BISHOPS AT ALL COST. NOT THE EPISCOPAL INSTITUTION, BUT THE WRONG EXERCISE OF EPISCOPAL AUTHORITY, IS WHAT THE MEMBERS OF CHRIST'S CHURCH HAVE "TO SHUN, TO FLEE, AND TO PUT DOWN."[575] HOWEVER, TO DO THIS THEY ARE IN DUTY BOUND ACCORDING TO THE OBEDIENCE WHICH THEY PLEDGED TO CHRIST IN BAPTISM. WHERE THE PRECARIOUS BALANCE OF MUTUAL RECOGNITION AMONG BRETHREN IS UPSET BETWEEN BISHOP AND CONGREGATION, THE CALL AND ELECTION OF THE CONGREGATION HAS GREATER SPIRITUAL AUTHORITY THAN EPISCOPAL ORDINATION. "IF THE BISHOP DOES NOT CONFIRM HIM [THE MINISTER ELECTED AND CALLED BY THE CONGREGATION], HE IS NONE THE LESS CONFIRMED BY VIRTUE OF THE CALL OF THE CONGREGATION."[576]

IT IS IMPORTANT FOR US TO NOTE THAT THIS PRINCIPLE IS OFFERED BY LUTHER NOT AS A PRACTICAL RULE IN ONE EXCEPTIONAL EMERGENCY SITUATION. LUTHER HIMSELF POINTS OUT THAT THIS IS THE RULE FOR THE NORMAL SITUATION "WHERE NO SUCH NECESSITY EXISTS, AND WHERE THERE ARE THOSE WHO HAVE THE RIGHT, THE POWER, AND THE GIFT TO TEACH".[577] IN OTHER WORDS, THIS PRINCIPLE IS NOT AN INCIDENTAL

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573. IBID., P. 78: "... HENCE THERE IS A VAST DIFFERENCE BETWEEN CHRISTIANS AND THE WORLD. IN THE WORLD THE RULER COMMANDS WHAT HE PLEASES, AND HIS SUBJECTS ACCEPT IT; BUT 'AMONG YOU', SAYS CHRIST, 'IT SHOULD NOT BE SO.' AMONG CHRISTIANS EVERY ONE IS THE OTHER'S JUDGE AND, ON THE OTHER HAND, ALSO SUBJECT TO THE OTHER." (WA 11,410,26)

574. IBID., P. 75 (WA 11,408,6)

575. IBID., P. 79 (WA 11,411,16)

576. IBID., P. 82 (WA 11,414,14)

577. IBID. (WA 11,414,11)

remark directed to the specific situation of the Christians in Leipzig alone, but it is part of Luther's doctrine of the church. The action of the congregation, if properly and legitimately taken, has priority over the proper and legitimate action of the bishop. For it is in the actual assembly of hearers that the publicly preached Word becomes a living event. With this decision the last link between Luther's concept and the empirical reality of the church has been furnished. The link has been established precisely at the point where it has been anticipated by Luther's principle of ecclesiastical authority all along. The definition of Christ's Lordship as the act of an ongoing glorification in which the outward and inward witness of the Holy Spirit become united must sooner or later establish the center of the church in the congregation in which this event really takes place.

Holl made the assertion that Luther on the basis of his doctrine wanted both: A people's church (Volkskirche) and a free church.[578] Unfortunately, however, it is not at all clear what Holl has in mind when he speaks of a Volkskirche. Is it a "public church", or a "church of the people" that is interwoven with the cultural customs and traditions of a people, or a German "national" church? Gordon Rupp, when adopting the term, frankly admits that he faces a puzzle: "The German 'Volkskirche' does not translate well." For want of a more precise definition, Rupp comes then to the conclusion:

> "It stands for the combination of Church and nation which is the notion of a Christian realm expounded in England by Stephen Gardiner in the beginning of the English Reformation, and in classical phrase by Richard Hooker."[579]

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578. Holl, op. cit., p. 309: "Volkskirche und Freiwilligkeitskirche, beides hat Luther gewollt." Cf. ibid., p. 277

579. Rupp, op. cit., p. 322f cf. Appendix VI, p. A 68

We cannot engage in a detailed comparison of Luther's and Hooker's ecclesiology at this point. But it certainly would be a coincidence bordering on the miraculous if Hooker's natural theology and Luther's theology of the cross should ultimately lead to the same concept of the empirical church.

In order to avoid a further complication of the matter, we recommend the use of terms less charged with emotion than the German word Volk. Luther seeks the combination of a public church and a free church. It is public because it is a fellowship in which Christ's Lordship is publicly proclaimed in the eyes of the whole world. In her life and doctrine, the church is constantly subject to the judgment of all men, but this judgment does not become legitimate unless it is offered on the basis of the scriptural testimony to Christ. Yet all criticism which accepts this criterion speaks a legitimate judgment on the church regardless of the person by whom it is offered. This is the reason why Luther must be opposed to those spiritualist groups which in disregard of this public judgment find their principle of unity and fellowship in the individual experiences of some or all of their members.

The church is also free. The fellowship which holds her members together is not of this world, but constitutes, in this world, a world of its own. It has its own life, the life which comes from the recognition of faith that Christ is present as Lord over all. But this fellowship can live only where the members find themselves in a vis-à-vis position to each other, where one acknowledges the other as brother and recognizes the other's specific function as indispensable for the unity and salvation of all. This is true for the relationship between pastor and congregation or between congregation and bishop. A liturgical expression of this unity of the church which lives in

THE DISTINCTION AND RECOGNITION OF ONE ANOTHER IS FOUND IN THE "SALUTATION" IN WHICH THE MINISTER, FACING THE CONGREGATION, PRAYS: "THE LORD BE WITH YOU," AND THE CONGREGATION ANSWERS WITH THE PRAYER: "AND WITH THY SPIRIT".

IN HIS DEALINGS WITH THE CHRISTIANS IN LEISNIG, LUTHER VERY CAREFULLY BALANCES HIS OWN AUTHORITY WITH A RECOGNITION OF THE AUTHORITY WHICH THIS GROUP OF CHRISTIANS POSSESSES IN ITS OWN RIGHT. SOON AFTER RECEIVING THE LEISNIG ORDER ON JANUARY 25, 1523, HE MUST HAVE SENT IT TOGETHER WITH HIS OWN PREFACE TO THE PRINTERS; FOR THE EARLIEST PRINTED COPY THAT HAS BEEN FOUND OF THIS PUBLICATION IS DATED JULY 6TH, 1523, - SO THAT IT IS SAFE TO ASSUME WITH KAWERAU THAT THE FIRST PRINT MUST HAVE COME OFF THE PRESS AROUND PENTECOST THAT YEAR.[580] SINCE THE ORDER HAD NOT COME DIRECTLY OUT OF HIS OWN PEN BUT WAS A REFLECTION OF HIS PREACHING BY OTHERS, HE FELT EVEN FREER TO RECOMMEND IT AS A MODEL "TO BE FOLLOWED BY MANY OTHER CONGREGATIONS, SO THAT WE, TOO, MAY BOAST OF YOU, AS ST. PAUL BOASTED OF THE CORINTHIANS THAT THEIR ZEAL PROVOKED MANY."[581] LUTHER'S ENTHUSIASM IS UNDERSTANDABLE. THE LEISNIG ORDER IS THE TRANSLATION OF LUTHER'S PRINCIPLE OF ECCLESIASTICAL AUTHORITY INTO THE CONCRETE REALITY OF CHURCH BUILDINGS, BRIDGE TOLLS, AND ROOF REPAIRS.

A New Order for the Community of Believers.

THE LEISNIG "ORDER OF A COMMON CHEST"[582] IS BORN OUT OF THE PERPLEXING QUESTION: HOW TO PROVIDE THE FINANCES FOR A PUBLIC AND YET INDEPENDENT LOCAL

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580. WA 12, P. 8

581. "PREFACE TO AN ORDINANCE OF A COMMON CHEST", PHILADELPHIA EDITION, VOL. IV, P. 92 (WA 12,11FF)

582. THE TEXT OF THE LEISNIG "ORDER OF A COMMON CHEST" IS PUBLISHED IN DIE WITTENBERGER UND LEISNIGER KASTENORDNUNG, ED. BY HANS LIETZMANN, A. MARCUS & E. WEBER'S VERLAG, BONN, 1907, PP. 11FF. THE TRANSLATION OF THE ENTIRE DOCUMENT IS GIVEN IN THE APPENDIX OF THIS STUDY, PP. A 10-67.

church in the early twenties of the sixteenth century? It proposes the establishment of a "common chest" for the various church expenditures (salaries for clergy, sexton, a teacher, and an elderly lady for the instruction of girls under twelve years of age; care for the needy; maintenance and repair of the church real estate, etc.). The "chest" will be the owner of all present church property. Its current revenues shall be the tolls and rents which the church so far has collected, as well as the income of the religious fraternities and sodalities (the Anna's guild; the "Kalends" - fraternity which met on the "calendae", the first day of each month; and a religious organisation of shoemakers), the fines of the trade-guilds and peasant organisations (so far called "gifts for God"), free will donations and bequests which are to be encouraged by a "faithful admonition of our clergyman from the pulpit".[583] In order to make up the lack which these revenues will not cover, every family shall annually contribute according to its ability while persons without family obligations, if they make use of the church, shall contribute annually at least a silver piece (Silbergroschen).

These regulations alone are not very exciting. A similar order had been prepared by Carlstadt for Wittenberg in the previous year, although not quite as detailed. But here in Leisnig a new element is added which goes much further than merely settling the finances. The order calls itself a "brotherly agreement".[584] The final authority in the administration of the "chest" rests with the general parish assembly. Every year, on the Second Sunday after

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583. Ibid., p. 15: "Auch treuliche vermahnunge durch vnser selensorger vffm predigstuel"

584. Ibid., p. 11: "diesse nach folgennde bruderliche vereynigunge"

Epiphany, ten new wardens are to be elected by the parish assembly for the new year. At two additional meetings on May 25th and September 29th, the wardens have to present to the parish the minutes of their business meetings and their financial reports. It is their obligation to meet every Sunday for at least three hours to take care of the current business. (It is hard to suppress the question what the reaction of our vestryment today would be to such a demand, who with a shorter work week find it difficult even to spare the time for a monthly two hour conference!) One of their chief responsibilities is the salary of the clergy. The needs of the minister shall be reviewed every week so "that the office of the ministry may not suffer any injury."[585] On the other hand, the clergyman is not allowed to seek or receive contributions in addition to his regular salary.

A most startling effect of this "brotherly agreement" manifests itself in the area of church discipline. Recognition is given to the need for an effective control of that witness which the congregation gives in the lives of her members. This function is exercised not exclusively by the minister but by the entire association of brethren which calls and elects the ministers. Every master and every mistress of the house (note the equal responsibilities for women!) is responsible for preventing in his house open blasphemy, excessive drinking, immorality, gambling, and other vices in direct opposition to God's commandments. Those who are found to be careless in this function are to be called to account by the parish assembly, which is authorized to take measures towards a correction of the situation and may even decide to call on the help of the temporal authorities in an extreme case.

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585. Ibid., p. 19: "damitte an den seelsorgenamdt, kein abbruch geschee."

The nerve-centre in this "brotherly agreement" is, of course, the council of the ten wardens. In the living conditions of a small town then, the critical question was: Will the city aldermen and guild-masters gain control also over this authority and tighten their grip on the community? Since here is the salient point of this church order, we shall quote in full the provisions made for the election of the wardens.

> "The administration of the common chest shall be ordered and done in this manner. Namely, that every year annually, on the second Sunday after Epiphany, at eleven o'clock, without danger of harm, a general parish assembly shall and ought to appear here at the city hall to elect, at this very place, through the grace of God, in true Christian faith, unanimously, ten trustees or wardens for the common chest out of the whole assembly, the most qualified without regard [to the person], namely, two noblemen, two of the ruling city council, three out of the common citizens in the city, and three from the peasants in the country. Which ten [persons] thus elected shall, for the sake of God and of the common welfare, willingly assume and take upon themselves the burden of this administration and trusteeship, with a good Christian conscience, regardless of favor, envy, profit, fear, or any improper motive, to do their best to be in duty bound to carry out faithfully and without harm the administration, receipts and expenditures, according to this our present agreement." 586

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586. Ibid., p. 15: "Die verwesunge des gemeinen kasten, sall also bestellet vnd gethan werden. Nemlich, das alle iare ierlich, vff den Sontag nach den achten der heiligen drey konige tag, vngeuerlich, vmb eylffnor, eine gemeine eingepfarte versamlunge, vffm rathhawsse alhier, erscheynenn wollen vnd sollen, aldoselbst durch die gnade gottis, ynn warem Christlichen glawben, eintrechtiglichen, zenen furmunden oder furstener, zu den gemeinen kasten, aussm gantzen hauffen, ane vnterschied die tuglichsten, erwelen, Als nemlich, zwene Erbar manne, zwene des regirenden Rats, drey aus den gemeinen burgern ynn der stadt, vnd drey aus den bawern vffm lande, Welche zenen also erwelten, die burde dieser furwesung vnd furmundschafft, alssdaldt vmb gottes vnd gemeines nutzs willen, gutwillig vff sich nemmen vnd laden sollen, bey guten Christlichen gewissen, vnangesehen, gunst, neidt, nutz, forchte, odder einigerley vnzymliche vrsache, nach yren besten vermogen, ynnhalts dieser gegenwertigen vnser vereynigunge, die verwesunge, eynnamme vnd ausgabe, treulich vnd vngeuerlich zu handeln, pflichthafftig vnd verbunden sein."

The modern mind cannot fail to notice the recognition of the social class system of nobility, magistrate, citizens, and peasants which seems to be reinforced through this church constitution. But in actual fact the class system of this time is effectively broken here through a realistic appraisal of its power. Again it is the principle of plurality which is used to guard the independence of the congregation against the hegemony of one social group or another. To protect the parish from usurration by the nobility, the city council, the guilds, or the peasants, a careful balance of these classes is established in the instructions on how the chest is to be stored.

> "This common chest and container shall be kept in our sanctuary at the place where it is the safest, and shall be locked up with four different separate locks and keys so that the noblemen will have one separate key, the magistrate one, the citizenry in the town one and the peasantry in the country one." 587

This is a farsighted proposal to make sure that the government of the church will be carried out "regardless of favor, envy, profit, fear or any improper motive". [588] We would be completely justified to call it a permanent

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587. Ibid., p. 15: "Dieser gemeyner kaste vnd beheltnus, sall yn vnserm gotshawsse, an dem orthe, do es am sichersten, verwart sein, vnd mit vier unterschiedlichen besundern schlossen, vnd schlusseln verschlossenn werden, also das die Erbarmanne einen, der Rath einen, die gemeine ynn der stadt einen, vnd die Bawerschafft vffm lande einen sonderlichen schlussell habenn." It is doubtful whether the common parish member then had a clearer understanding of the precise location of the chest than we do. "The place where it is the safest" - is that the altar from which possible thieves should be frightened by a fear and awe of the holiness of the place? Or is it a place in the basement where the common treasure would find the best protection at the outbreak of a fire? But wherever the chest is to be stored, the problem of location is not the burning question. To gain the willing cooperation of all the members, a different assurance must be given, namely a clear answer to the question: which group in the community will have the keys in the pocket?

588. See supra, p. 238, footnote 586

parish constitution were it not for the lack of an adequate provision on amendments which might become necessary in future years. In the event of a possible change in the social structure of the existing four classes, the general parish assembly, being the body which calls the ministers and elects the ten wardens, apparently would also be the legitimate authority to make the necessary adjustments. But since there are no precise instructions on such changes, it is more accurate to call this arrangement an "order" or "ordinance" rather than a "constitution".

After all, it is only the beginning of 1523. It is at this time (January 29, 1523) that Zwingli persuades the magistrate of Zuerich to launch a city-wide reformation through the application of temporal authority by outlawing all unevangelical preaching. It is then when under Luther's guidance an order has been designed and is prepared for general distribution which proposes the establishment of a church that is public and yet independent of the temporal powers, a free brotherly association.

Of particular interest for our study is the attempt made by this church order to safeguard the unity of the church through a distribution of distinct functions to the various members. Luther's treatise "The Right and Power of a Christian Congregation" had demanded separate and yet complementary functions for the bishop and the congregation. Normally the congregation is to elect and to call, and the bishop is to confirm and to appoint the ministers. This principle is now translated by the Leisnig order into the reality of the congregation. The pastor has the public office of the Word, and the freely elected representatives of the parish have the ministry of the material care for the church, while all have the ministry of church discipline. In other words, the eventual result of the dual principle of ecclesiastical authority

FOR THE EMPIRICAL REALITY OF THE CHURCH IS A DUAL GOVERNMENT OF MINISTERS AND DEACONS IN THE LOCAL CONGREGATION. MINISTERS AND DEACONS CARRY OUT FUNCTIONS WHICH ARE DISTINCT FROM EACH OTHER AND ONLY BY SUPPLEMENTING EACH OTHER CONSTITUTE THE FULL AUTHORITY IN THE LOCAL CHURCH. THE CLAIM WHICH NIESEL MAKES FOR THE REFORMED CONCEPT OF THE CHURCH "AS A LIVING ORGANICALLY ARTICULATED COMMUNITY"[589] MUST IN ALL FAIRNESS ALSO BE MADE FOR THIS EARLY LUTHERAN CHURCH CONSTITUTION. IN LUTHER'S OWN WORDS, IT IS "AFTER THE EXAMPLE OF THE APOSTLES".[590] IT IS THAT SPIRITUAL DEMOCRACY WHICH ST. PAUL DESCRIBES IN ROMANS 12:4ff (cf. I. CORINTHIANS 12:12ff):

> "FOR AS IN ONE BODY WE HAVE MANY MEMBERS, AND ALL THE MEMBERS DO NOT HAVE THE SAME FUNCTIONS, SO WE, THOUGH MANY, ARE ONE IN CHRIST, AND INDIVIDUALLY MEMBERS ONE OF ANOTHER. HAVING GIFTS THAT DIFFER ACCORDING TO THE GRACE GIVEN TO US, LET US USE THEM."

IT IS THE ORDER OF THE CONGREGATION OF CHRIST, ASSEMBLED AROUND THE PRESENCE OF THE LIVING LORD, IN WHICH THE FUNCTIONS OF ALL ORGANICALLY FIT TOGETHER SINCE THEY ARE LIMITED TO BEING A RESPONSE TO THIS PRESENCE AND YET FIND THEIR UNIQUE STRENGTH PRECISELY IN THE CONCENTRATION ON THIS THEIR PURPOSE.

THE NEW ORDER WHICH LUTHER SOUGHT TO ESTABLISH IN LEISNIG WAS MORE THAN THE ANSWER TO THE SPECIFIC NEEDS OF A PARTICULAR LOCAL CONGREGATION. IT WAS ALSO THE ANSWER WHICH LUTHER PROPOSED FOR A REFORMATION OF THE CHURCH AT LARGE. HE DID SO IN A TRACT OF NOVEMBER 1523 ADDRESSED TO THE CHRISTIANS IN BOHEMIA ENTITLED "CONCERNING THE MINISTRY".[591] AS HAS BEEN POINTED OUT BY

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589. W. NIESEL: REFORMED SYMBOLICS, TRANS. BY D. LEWIS; OLIVER & BOYD, EDINBURGH AND LONDON, 1962, P. 254 (WA 12,11,12)

590. "PREFACE TO AN ORDINANCE OF A COMMON CHEST", PHILADELPHIA EDITION, VOL. IV, P. 92

591. THE ORIGINAL TEXT IS FOUND IN WA 12, 169-196, THE EXCELLENT ENGLISH TRANSLATION BY CONRAD BERGENDOFF IN LW 40, 7-44.

Helmut T. Lehmann, this tract confirms the views of the "supporters of the most advanced type of congregationalism". Obviously Lehmann feels it necessary to defend Luther against this congregationalism; for he continues: "But it should be remembered that the situation in Bohemia was highly abnormal and that Luther's suggestion is confined to an emergency. He advocated no such solution for Germany."[592] It is not clear at all why Lehmann feels called upon to make such a defense. There is no indication that Luther felt the emergency in Bohemia to be more abnormal than the one in Wittenberg where he just at that time was deeply involved in the struggle against Elector Frederic's Beth-Aven. Moreover his other tracts of 1523 which supported the same "advanced type of congregationalism" were unmistakably addressed to German readers, as the ones already discussed: "The Right and Power of a Christian Congregation", "The Preface to an Ordinance of a Common Chest", and the publication of the Leisnig Order itself. This treatise for the Bohemians is the best proof that in the application of his principle of ecclesiastical authority Luther did not feel limited to the confines of just the German, or just the Bohemian, or any other purely national church. It is in this tract that he sets forth a concrete way for the realisation of the proposal which he had made three years ago in the "Open Letter to the Nobility",[593] namely for the formation of a general priniate in a certain territory under the guidance of the dual principle of scripture and the witness of the Holy Spirit. He himself prefaces the tract with the remark:

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592. LW 40, p. x

593. Cf. <u>supra</u>, p. 212, notes 524 & 526

"We are interested in the pure and true course, prescribed in Holy Scripture, and are little concerned about usage or what the fathers have said or done in this matter." 594

Luther had been persuaded to write the treatise by an evangelical minister from Leitmeritz in Bohemia, Gallus Cahera, who visited with him during the summer or fall of 1523. The particular dilemma of many of the followers of Hus was the fact that since the death in 1471 of their last archbishop, John von Rokyczana, their church was administered by a consistory of eight clergymen and four laymen under the leadership of the university rector of Prague while their priests were ordained by bishops outside the country, mostly in Venice. 595 This strange setup, which deprived the Bohemians of the ministry of their own bishops, was a compromise which made possible the merger of the "Utraquists" among the Hussites with the Roman Catholics in Bohemia in 1485 while the more radical followers of Hus maintained their separate existence. After completing their theological studies in Prague, the ministerial candidates from Bohemia thus had to make a trip to Italy where they would receive their ordination from a Roman Catholic bishop on the understanding that as priests they would administer the sacrament in one kind only. However before their installation in Bohemia they had to make a promise to the consistory in Prague that they would serve communion in both kinds. It is not known whether

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594. LW 40, 7 (WA 13,169,23)

595. Cf. WA 12, 160f; Karl Heussi: Kompendium der Kirchengeschichte, J.C.B. Mohr, Tuebingen, 10th edition, 1949, pp. 256-259. The cause for the strange administrative setup in the Bohemian church had been the attempt of Pope Pius II to restore full papal supremacy. After the Council of Basel had granted the Bohemians the right of the lay cup, some of the Hussites had returned to the Roman communion and become known as "Utraquists" for their custom of administering the Eucharist in both kinds. But when Pius II revoked this exceptional right in the bull "Prospecturus" of June 26th, 1464, they found themselves again in the position of schismatics.

many suffered great scruples from this clever subterfuge. But Luther called it a "Babylonian confusion" [596] which he used as an occasion for expounding his concept of the ministry.

The central question which Luther wants to answer in this tract is defined by him in a very practical manner:

> "But, someone says, 'What method of appointing ministers shall we adopt? Necessity knows no law. We do not have priests and we cannot do without them'". 597

After first discussing the functions of the ministry as derived from a biblical concept of the common priesthood of all believers, Luther gives a very concrete answer to the stated problem. The Bohemians should first ask for God's help in their venture in private and public prayers. This being done, he advises them to do the following:

> "Then call and come together freely, as many as have been touched in heart by God to think and judge as you do. Proceed in the name of the Lord to elect one or more whom you desire, and who appear to be worthy and able. Then let those who are leaders among you lay hands upon them, and certify and command them to the people and the church or community. In this way let them become your bishops, ministers, or pastors. Amen." 598

Luther is fully aware of the possibility that this method may not be approved by all right from the start. As a matter of fact it may destroy the uniformity which the Bohemian church seems to have at that time. But he is perfectly willing to pay this price for the establishment of the true unity of

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596. LW 40, 9; cf. LW 40, 8: "A cause of greater misery is the fact that the pacts and dishonest circumstances force you to purchase ordination from your tyrant [the Roman pope] and his executioners, the bishops, through a violation of conscience, so that not a single one of you can ever rejoice in good conscience that you have entered the sheep-fold by the door [John 10:1]." (WA 12,171,3; cf. WA 12,170,21)

597. LW 40, 18 (WA 12,177,37)

598. LW 40, 40 (WA 12,193,35)

THE CHURCH WHICH IS TO BE FOUND IN "THIS FREE AND APOSTOLIC WAY OF ESTABLISHING A MINISTRY".[599] IN THIS VENTURE ALL THE CONFIDENCE MUST BE PLACED IN THE FREE WORK OF THE HOLY SPIRIT. "FOR NONE SHOULD BE FORCED TO BELIEVE. WE MUST GIVE FREEDOM AND HONOR TO THE HOLY SPIRIT THAT HE MAY MOVE WHEREVER HE WILL."[600] THEREFORE LUTHER IS CONFIDENT THAT THIS SCRIPTURAL EXERCISE OF AUTHORITY IN THE CHURCH WILL IN THE END WIN OUT WITH THE HELP OF GOD, AND WILL LEAD TO THE RESTORATION OF AN EPISCOPAL OFFICE WHICH DERIVES ITS AUTHORITY FROM THE CONGREGATION GATHERED AROUND THE PRESENCE OF CHRIST, THE SOLE MEDIATOR BETWEEN GOD AND MAN.

> "WE CANNOT HOPE THAT THESE THINGS WILL BE ACCEPTABLE TO ALL, ESPECIALLY RIGHT AWAY. THE FACT THAT NOT ALL AGREE SHOULD NOT AFFECT YOU - RATHER YOU OUGHT TO BE MOVED TO THE VENTURE WHEN MANY DO NOT AGREE WITH YOU. IT IS ENOUGH IF AT FIRST A FEW SET THE EXAMPLE. AFTER THE USE HAS BEEN ESTABLISHED AND IN THE COURSE OF TIME THE WHOLE PEOPLE WILL BE CHALLENGED TO FOLLOW THEIR EXAMPLE. AS THE VENTURE SUCCEEDS, WITH THE HELP OF THE LORD, AND MANY CITIES ADOPT THIS METHOD OF ELECTING THEIR BISHOPS, THEN THESE BISHOPS MAY WISH TO COME TOGETHER AND ELECT ONE OR MORE FROM THEIR NUMBER TO BE THEIR SUPERIORS, WHO WOULD SERVE THEM AND HOLD VISITATIONS AMONG THEM, AS PETER VISITED THE CHURCHES, ACCORDING TO THE ACCOUNT IN THE BOOK OF ACTS: [ACTS 8:14FF; 9:32FF.] THEN BOHEMIA WOULD RETURN AGAIN TO ITS RIGHTFUL AND EVANGELICAL ARCHBISHOPRIC, WHICH WOULD BE RICH, NOT IN LARGE INCOME AND MUCH AUTHORITY, BUT IN MANY MINISTERS AND VISITATIONS OF THE CHURCHES."[601]

IT IS NOT LUTHER'S INTENTION TO DRIVE AWAY ALL THOSE WHO POSSESS THE PAPAL ORDINATIONS - FOR THE TIME BEING.[602] BUT HIS PROPOSAL IS CLEARLY MEANT IN

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599. LW 40, 41 (WA 12,194,21)

600. LW 40, 40 (WA 12,194,8)

601. LW 40, 41. THE TERM "BISHOP" REFERS HERE TO THE PASTOR OF A CONGREGATION. (WA 12,194,9)

602. LW 40, 11: "FOR THE TIME BEING I WILL CONCEDE THE PAPAL ORDINATIONS WHEREBY THOSE WHOM THEY CALL PRIESTS ARE ANOINTED AND APPOINTED BY THE AUTHORITY OF THE BISHOP ALONE WITHOUT ANY CONSENT OR ELECTION BY THE PEOPLE OVER WHOM THEY ARE TO BE PLACED." (WA 12,172,22)

THE LONG RUN TO TERMINATE THE PRESENT SITUATION IN WHICH "THE MAJORITY ARE ORDAINED ONLY, AS THEY SAY, TO BENEFICES, IN ORDER TO OFFER MASS ONLY, AND THE PEOPLE HAVE NO IDEA WHOM THE BISHOP ANOINTS AS THEIR PASTOR".[603]

IN THIS MANNER THEN LUTHER SEEKS THE RESTORATION OF THE EPISCOPAL OFFICE OUT OF THE CHRIST-EVENT WHICH CONSTITUTES THE CHURCH BOTH AS A FREE AND PUBLICLY VISIBLE COMMUNITY. IT IS A PROCEDURE WHICH IN HIS OPINION "IS FORCED UPON US BY NECESSITY AND IS COMMENDED BY THE COMMON UNDERSTANDING OF FAITH".[604] IF, HOWEVER, THE CIRCUMSTANCES SHOULD BE SO ADVERSE AS NOT TO PERMIT THE PUBLIC GATHERING OF A CONGREGATION TO RESTORE THE EPISCOPAL OFFICE IN A BIBLICAL MANNER, LUTHER IS PERFECTLY CONTENT TO FOREGO THE ESTABLISHMENT OF A PUBLIC MINISTRY FOR SOME TIME, UNTIL CIRCUMSTANCES WILL CHANGE. "FOR SINCE THE CHURCH OWES ITS BIRTH TO THE WORD ... IT IS OBVIOUS THAT IT CANNOT BE WITHOUT THE WORD. IF IT IS WITHOUT THE WORD IT CEASES TO BE A CHURCH."[605] IN SUCH A CASE "IT IS BETTER TO HAVE NONE THAN TO HAVE A MINISTER WHO IS GUILTY OF SACRILEGE, IMPIETY, AND CRIME, AND COMES AS A THIEF AND ROBBER ONLY TO KILL AND DESTROY [John 10:10]".[606] EVEN IF THE ESTABLISHMENT OF A PUBLIC MINISTRY WOULD BE OBSTRUCTED, THE CHURCH WOULD NOT YET CEASE TO EXIST IN SUCH AN EXTREME EMERGENCY. RATHER IT WOULD LIVE ON AS AN UNDERGROUND CHURCH IN THOSE OF HER MEMBERS WHO WOULD CONTINUE "TO READ THE GOSPEL ... AND TO BAPTIZE THOSE WHO ARE BORN IN THEIR HOMES".[607]

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603. LW 40, 11 (WA 12,172,28)

604. LW 40, 37 (WA 12,191,16)

605. LW 40, 37 (WA 12,191,16)

606. LW 40, 10 (WA 12,172,7)

607. LW 40, 9 (WA 12,171,17)

> "Surely if in this way two, three, or ten homes, or a whole city, or several cities agreed thus among themselves to live in faith and love by the use of the Gospel in their home, and even if no ordained man, shorn or anointed, ever came to them or in any other way was placed over them as minister to administer the Eucharist and other sacraments, Christ without a doubt would be in their midst and would own them as his church." 608

The alternative before which Luther puts the Bohemians is therefore "either to let the church perish without the Word or to let those who come together cast their ballots and elect one or as many as are needed of those who are capable." 609

Nevertheless, Luther doubts that the situation has already become so extreme for the Bohemians as to force them into the existence of an underground church.

> "There is no reason for you to doubt that the church of God is among you, even if there are only ten or six who have the Word. What such would do, along with others who do not yet have the Word but who would give their consent, certainly may be considered the work of Christ if they act, as we have said, in humility and in the spirit of prayer." 610

However Luther does not fail to alert the Christians in Bohemia to the danger which he feels threatening from the resistance of the princes to these plans. His own experiences in Wittenberg may well have served as a basis for this fear. He was sure that in this resistance the powers of the world acted as agents of an ultimately self-destructive principle, which Luther called "the prince of this world". 611 This resistance could not be met, according to

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608. LW 40, 9 (WA 12,171,24)

609. LW 40, 37 (WA 12,191,21)

610. LW 40, 42 (WA 12,195,4)

611. LW 40, 42: "Finally, that which I fear will be the most formidable hindrance to this plan, namely, that in this matter as in every one that is of God, we must reckon with a cross. For Satan is neither asleep nor unaware of what we propose, and he will not be slow in his opposition. He is the prince of this world and knows our thoughts, even as we know his. But I speak of this cross because the powers of the world and the princes

LUTHER, BUT BY PETER'S WORD, RECORDED IN ACTS 5:29: "WE MUST OBEY GOD RATHER THAN MAN".[612]

AN EMERGENCY SOLUTION

POWERS OF RESISTANCE.

THERE IS NOTHING UTOPIAN ABOUT THIS ORDER WHICH LUTHER PROPOSES FOR THE CONGREGATION OF CHRIST ASSEMBLED BY THE FREE WORK OF THE HOLY SPIRIT. IN A VERY DETAILED AND CONCRETE MANNER IT GIVES EXPRESSION TO THAT ECCLESIOLOGY WHICH LUTHER HAD CONSISTENTLY DEVELOPED FOR MORE THAN TEN YEARS AND WHICH HE NOW PROCLAIMED AS A MATURE REFORMER OF FORTY YEARS OF AGE. BUT THEN WHY DID THIS ORDER FAIL TO BECOME THE GENERAL STRUCTURE FOR THE NEW EVANGELICAL CHURCH AS LUTHER EXPRESSLY HOPED IT TO BE? EVENTUALLY THERE WILL BE NO OTHER ANSWER BUT THE CONCLUSION: THE TIME WAS NOT YET RIPE FOR IT. THE VERY CONFUSION AND LAWLESSNESS OF A REVOLUTIONARY PERIOD, WHICH HAD PERMITTED LUTHER TO ESCAPE FROM THE FATE OF JOHN HUS AND WHICH HE AT TIMES WAS QUITE WILLING TO INSPIRE IN THE INTEREST OF HIS OWN CAUSE, DID NOT IMMEDIATELY ALLOW FOR THAT GRADUAL AND STEADY GROWTH WHICH LUTHER DESIRED FOR THE REFORMATION OF THE CHURCH UNDER THE GUIDANCE OF SCRIPTURE AND THE FREE WORK OF THE HOLY SPIRIT.

HIS PROPOSAL TO THE BOHEMIANS CAME TO A VERY QUICK END. APPARENTLY CAMERA, THE MINISTER FROM LEITMERITZ, HAD OVERSTATED THE EAGERNESS OF THE CHURCH

OF THE NATIONS IN THEIR POWER WILL NOT PERMIT YOU TO ATTEMPT THESE PLANS." (WA 12,195,9)

612. LW 40, 42 (WA 12,195,20)

leaders in Prague for an instruction from the Saxon prophet. In actual fact their attitude toward Luther was divided between those who considered him an ally and those who thought him to be a champion of the point of view of the more radical Hussites with whom the official church stood in a relation of hostile tension. It is true Cahera was elected administrator of the church upon his return to Prague by the general assembly on February 2, 1524. But as soon as he attempted to abolish the celibacy for priests in Bohemia, he was forced by a strong majority to return to a Roman position. The subsequent persecution of evangelical preachers in Bohemia was interpreted by Luther as a clear breach of faith.[613]

More revealing is the case of the Leisnig congregation. Two evangelical preachers had begun their work here already before the end of 1522. On February 24th, 1523 the new order went already into full effect when, encouraged by Luther's approval, the congregation elected its first ten wardens. From here on the future of this independently constituted congregation depended upon nothing more than the legal accreditation of its claims to church property and income by the civil authorities, which of course was bound to involve the authority of the elector as the supreme judge in Saxony.

The hurdle which might have been the hardest of all seems to have been overcome without any great difficulty, namely the claims which the Cistercian abbot of Buch could make to the church property in Leisnig with some justification. The "Order of a Common Chest" bases its legal claim upon

> "the action and decree which in this matter has been passed between the abbot of Buch and us in the electoral chancellery of our most gracious Lord, the Elector of Saxony, etc."

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613. WA 12, 163

614. "Die Wittenberger und Leisniger Kastenordnung", op. cit., p. 13: "ynnhalts der handelung vnd abschiede. derhalben zwischen dem Abtte zum

According to this information, Elector Frederic must have settled the legal problems through a quick decision in favor of the congregation already in 1522. Abbot Anthony of Buch was not able to put up more than a strategic retreat. A legal dispute with the electoral chancellery might have jeopardized also the existence of his monastery, which indeed was to be secularized after his death in 1526. After taking counsel with the superiors of his order, he entreated the elector on October 4th, 1524, to protect the existence of the monastery and appealed him to take the parish of Leisnig into his own administration rather than to surrender it to the people of Leisnig.[615] In other words, he was quite ready under the pressure of the circumstances to transfer the episcopal functions of church administration to the prince. On the one hand he feared that the Leisnigers might not come through with the payment of the agreed-upon compensation. On the other hand, he hoped in the last minute to increase this settlement sum if it were paid out by the elector. But his

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Buch, vnd uns, yn Churfurstlicher Cantzelley vnnsers gnedigstenn herrn des Churfursten zu Sachssen etc. ergangen."

615. Cf. the letter of Abbot Anthony to the electoral counsellor Hans von der Planitz of October 4th, 1524 in Kirn, op. cit., p. 189f: "But if the territorial lord should judge this to be the best solution, which would be more advantageous for the monastery, we would hand over the parish with all its rights to him rather than to the Leisnigers so that His Electoral Grace should promise to provide annually twelve gulden through the official at Leisnig ..." ("Wu es aber der landesfurst vors beste erkente, das dem closter mehr nutzlich solte sein, so wolden sie ime die pfarre mit aller gehabter freiheit liber obirgeben dan den Leissnigern, also das S.F.G. dargegen vormachte XII ss jerlich vom ambtman zu Leissnig ewiglich zu furdern ...") The monetary unit which is abbreviated here with ss is a "sexagena" which seems to be used here as a term for the silver gulden which had sixty "kreuzer" in difference to the Florentine gold gulden which was abbreviated with fl.r. (cf. Alfred Goetze (ed.): Truebners Deutsches Woerterbuch, Walter de Gruyter, Berlin, 1939ff, Bd. 4, p. 272) The Leisnigers had agreed to a payment of ten gulden annually to the monastery, but the abbot tried to raise this amount to twelve if it were paid out from the electoral treasury.

EFFORTS WERE IN VAIN, AND HE HAD TO RESIGN HIMSELF TO GIVING VENT TO HIS FEELINGS IN BITTER REMARKS AGAINST THE APOSTATE CONGREGATION.[616]

THE OPPOSITION WHICH IN FACT STRANGLED THE HOPES OF THE LEISNIG PROJECT CAME FROM WHERE IT WAS LEAST EXPECTED, NAMELY FROM THE LOCAL CITY MAGISTRATE. THE CITY FATHERS SHOWED LITTLE INTEREST IN AN INDEPENDENT LOCAL CHURCH COUNCIL WHICH IN TIME MIGHT TURN INTO A TROUBLEMAKER IN THE COMMUNITY. THEY WERE UNABLE TO CONCEIVE OF A CHURCH IN WHICH THE MEMBERS ARE PRIESTS AUTHORIZED TO DO THEIR OWN ORDERING UNDER NO OTHER RULE BUT THE WORD OF GOD. IN ADDITION THEY ALSO SEEMED TO HAVE A GOOD INSTINCT FOR THEIR OWN ADVANTAGE. USING A NEVER FAILING EXPEDIENT OF ALL BUREAUCRATS, THEY SIMPLY DECLARED THAT THEY HAD NO AUTHORITY TO PASS ON THE CHURCH PROPERTY AND INCOME TO THE NEWLY ELECTED WARDENS. FOR THE PRESENT, THEY DECLARED, THEY SAW NO OTHER SOLUTION BUT TO KEEP THE ADMINISTRATION OF THE CHURCH UNDER THEIR OWN CONTROL. THE MOST LOGICAL DEFENSE AGAINST SUCH A WILFUL USURPATION WAS AN APPEAL TO THE SECULAR SUPREME COURT. THUS THE REPRESENTATIVES OF THE PARISH AND THOSE OF THE CITY FILED THEIR CONFLICTING LEGAL CLAIMS IN THE ELECTORAL COURT IN MARCH 1523. BUT IN THIS DISPUTE FREDERIC OF SAXONY WAS NOT MOVED TO MAKE AS QUICK A DECISION AS HE HAD DONE IN THE CASE OF THE ABBOT.

AS TIME WENT BY, THE FINANCIAL EMBARRASSMENT BECAME MORE DESPERATE FOR THE CONGREGATION WHICH FOUND ITSELF UNABLE TO PAY ITS MINISTERS. IN AUGUST 1523 LUTHER CAME TO LEISNIG IN ORDER TO PLEAD WITH THE CITY FATHERS IN PERSON. THE RESULT WAS A BITTER CLASH WHICH ONLY MADE THE BATTLE LINES MORE OBDURATE. THE CITY MAGISTRATES FLATLY THREATENED TO RETURN TO THE OLD RELI-

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616. CF. WA 12, P. 4F

sion rather than give up their advantage. On August 11th, Luther wrote from Leisnig a desperate letter to the elector pressing for an immediate legal decision in the matter.

> "It is, therefore, my devout request to Your Electoral Grace, that Your Electoral Grace may dispatch the conclusion so that not only the present disgrace which wicked mouths and hearts already heap upon the Gospel may be arrested, but also the future delights of the opponents who are constantly waiting [for the opportunity] to sing and to say: 'Wonderful, wonderful! Our own eyes have seen it'. ... Even a child knows that these possessions, simply because of the decline of [their] unchristian foundation, do not yet rightfully belong to the [city] council in order to be kept by it by its own force, but that they should be put to a Christian use again or to whatever use they are ordained by proper authority. I, however, am distressed to see and now to have found the aldermen in the very act of such a bitterness that they would rather tolerate and even give their willing assistance to a flourishing reestablishment, in opposition to the Gospel, of all the unchristian customs and foundations which have already been abolished." 617

The elector undoubtedly found himself in a delicate situation. A decision in favor of Luther's appeal would have created a legal precedent which might have provoked a defiant opposition of the magistrates against the elector himself in more than just one city. Thus, Frederic the Wise found it wisest to say nothing at all and wait. More than a year later the issue was not settled, and Luther wrote to his friend Spalatin on November 24th, 1524:

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617. Dr. Martin Luthers Briefe, ed. by W.M.L. de Wette, Vol. II, G. Reimer, Berlin, 1827, hereafter referred to as "de Wette", p. 380: "Ist demnach an E.K.F.G. mein unterthaenig Bitte, E.K.F.G. wolle den Schluss fertigen, damit nicht allein die gegenwaertige Schmach, so bose Maeuler und Herzen schon auf das Evangelium treiben, sondern auch zukuenftiger Freuden der Widersacher gewehret werden, die ohn Unterlass warten, dass sie singen und sagen moechten: Euge, euge! viderunt oculi nostri! ... So weiss je ein Kind wohl, dass solche Guetter, die durch Abfall unchristlicher Stiftung nicht dem Rath gebuhren von eigner Gewalt bey sich zu halten, sondern wieder zu christlichen Brauch gewandt werden, oder wohin sie die Obrigkeit verordnet, seyn sollen. Mich zwar bewegt, dass ich sehe, und itzt in frischer That erfunden habe die Rathsherren so erbittert, dass sie lieber leiden, und auch dazu helfen moechten und wollen, alle unchristliche Braeuch und Stiftung, so schon abgethan sind, zuwieder dem Evangelio in den vorigen Stand und Schwang zu bringen." (WA Br Nr. 643)

"The people in Leisnig will drive out Tilemann in the end through hunger. The good man has bitter complaints; why does the Prince delay in this matter? ... I am terribly tormented by this absolutely bad example which being the first should have been the best." 618

Already at the end of 1523, Luther had to admit to himself that the "pilot-project" Leisnig had failed to fulfill the expectations which he had put into it at the beginning of the year. In his sermon on December 26th, Luther expounded again the concept of a dual church government in which preachers exercise the ministry of the Word and deacons exercise the ministry of the material care for the church, and both together constitute the free independent government of a public church. This is the order of the empirical church that is patterned after the apostolic example. But Luther also recognized that the attempt to realise this concept had been defeated, at least for the time.

"Here you have the first piece, that you may see what is the form of a Christian church and a right example of spiritual government, namely that here the apostles lead and care for the souls and are concerned with preaching and with prayers, and yet also see to it that the body is taken care of, elect several men who distribute the goods. Thus the Christian government takes care of body and soul, so that nobody has any want, as Luke says, and all are abundantly fed in their souls and well taken care of with their body. That is a right example. It perhaps would be good still to get it started, if only we had people of that sort ... But we don't have the persons for it; therefore I do not dare to start it until our Lord God makes Christians." 619

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618. Ibid., p. 567: "Leisnicenses Tilemannum fame tandem expellent. Bonus vir graviter queritur, cur Princeps ibi cessat? ... Discruciat me vehementer hoc pessimum exemplum, quod ut primum ita oportuit esse optimum." (Tilemann Schnabel, a former Augustinian monk, was obviously the successor of Master Johann Gruner in Leisnig. Cf. supra, p. 227-8, note 563.)

619. WA 12, 693, 27ff: "Das erst stuck habt ihr hie, das ir sehet, wie ein Christlich kirch gestalt soll sein unnd ein recht bild eins geystlichen regiments, das die Apostel hie fueren, versorgen die seelen, geen mit predigen und mit gebetten uns, verschaffen doch, das auch der leib versorget werd, werffen etlich menner auff, die da die guetter austeylen. So versorget das Christlich regiment an leib und seel, das keyner kein mangel hatt, wie Lucas sagt, und alle reychlich gespeyset an der seel und wol versorget an leyb. Das ist ein recht bild. Es wer wol gut, das mans noch anfieng, wann leuet darnach weren, ... Wir haben aber nicht die

Luther's judgment "We don't have the persons for it" is not to be understood as a depreciation of the people whom he saw assembled in the congregations. Rather it is a note of desperation over the dilemma into which the Reformation was heading in these years of profound unrest. The old church authorities were destroyed where the Reformation caught hold. But a new evangelical counterpart had not yet been developed. The men called to lead the civil communities, however, were usually men with little comprehension of the long range effects of their actions. The new income from the former church property, which was suddenly spread out before them just to be grasped like a windfall, was, in short-sighted manner, spent on the realisation of various pet projects, such as the purchase of new firearms for the town, or on roads, bridges, city walls, and public buildings, - in short, on items which only could deepen the resentment that the peasants and lower classes felt against the holders of the local political power.

One of the principal problems for the Reformation in the next years was therefore the question of how to prevent the plunder of the church property and income by the local strong men, the magistrates, barons, and feudal lords, against whom the local congregations were completely defenseless. The appeal to the churches to meet force with force was impossible for Luther. It would have been in clear contradiction to his own doctrine, which did not permit the church to take the law into its own hands and which left the defense of civil order against robbery and theft in the hands of the secular government. Furthermore, it also would have inevitably merged Luther's call for a new church order with the social revolution of the peasants which was just about to break

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person darzu, darumb traw ichs nicht anzufahen, so lan, biss unser herr gott Christen macht."

loose at this time. But Luther was not of a mind to sacrifice the distinctive concerns of a reformation of the church to the goals of a struggle for greater social justice.

In the following year, 1524, Luther therefore directed his next offensive towards an enlightenment of the community leaders. In the tract "To the Councilmen of All Cities in Germany",[620] he sharply attacked the plunder of the former church property as "a barbarous and foolish policy".[621] The city magistrates should rather spend the new revenues on the education of the general public through the establishment of schools and well stocked libraries in order to train a citizenry capable of sound leadership.

> "As a result of this knowledge, they could form their own opinions and adapt themselves to the course of this outward life in the fear of God, draw from history the knowledge and understanding of what should be sought and avoided in this outward life, and become able also by this standard to assist and to direct others." [622]

True enough, only God can "make Christians". But this is no excuse for the church to relegate the responsibility for its outward form to the working of miraculous powers. In the same manner, the communities cannot pass on the task of training a qualified leadership in their citizenries to some supernatural forces.

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620. "To the Councilmen of All Cities in Germany that They Establish and Maintain Christian Schools", Philadelphia Edition, Vol. IV, pp. 103ff (WA 15,27ff)

621. Ibid., p. 112; cf. also Ibid., p. 111: "Now the welfare of a city consists not alone in gathering great treasures and providing solid walls, beautiful buildings, and a goodly supply of guns and armor. Nay, where these abound and reckless fools get control of them, the city suffers only the greater loss. But a city's best and highest welfare, safety and strength consists in having many able, learned, wise, honorable and well-bread citizens; such men can readily gather treasures and all goods, protect them and put them to a good use." (WA 15,35,27; cf. WA 15,34,28)

622. Ibid., p. 122 (WA 15,45,19)

> "... there is everywhere a lack of such men and complaint that they cannot be found, we dare not wait until they grow up of their own accord (nor can we hew them out of stone nor carve them out of wood); and since God will work no miracles so long as men can solve their problems by means of other gifts He has granted them: therefore we must do our part and spare no labor or expense to train and produce such men." 623

In the "Preface to an Ordinance of a Common Chest" in 1523, Luther had written: "Things have come to such a pass that it seems that both God and man are sick and tired of monkery and spirituality, and that there must be a change." 624 But the change to the form of church organisation which Luther wished to see established was to require patience if it was to come without force. It was to demand time; and precisely this was Luther's great worry. Luther was acutely aware of the unrest that was seething in the country in this year 1524. Blood had already been shed because of the reformation on July 1, 1523 when Heinrich Voes and Johann van den Esschen were burned in Brussels for their evangelical convictions. Before 1524 was to be over, Heinrich von Zutphen would become the next martyr. 625 In Swabia, Franconia, and Thuringia the peasants were getting ready for a revolution to shake off the yoke of overtaxation and tyranny by the local princes. Against this background, Luther hurls his passionate challenge:

> "Buy, dear Germans, while the fair is at your doors; gather in the harvest while there is sunshine and fair weather; use the grace and Word of God while they are here. For, know this, God's Word and grace is a passing rainstorm, which does not return where it has once been. It came to the Jews, but it passed over; now they have nothing. Paul brought it to the Greeks, but it passed over; now they have the pope. And you Germans must not think you will have it forever; for ingratitude and contempt will not suffer it to remain. Take hold fast, then, whoever can; idle hands cannot but have a lean year." 626

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623. Ibid., p. 111f (WA 15,35,15)

624. Philadelphia Edition, Vol. IV, p. 93 (WA 12,11,28)

625. Heinrich von Zutphen was burned in Holstein on December 10, 1524.

626. "To the Councilmen of All Cities in Germany", Philadelphia Edition, Vol. IV, p. 108 (WA 15,32,4)

Mounting Pressure.

As to be expected, Luther's appeal to reason and restraint was not needed. In any case it had come much too late. The peasants' revolt in 1525 shook the established structure of the entire society as in a violent fever. For a few months every order, every rightful claim, every legitimate demand seemed to be in danger, and when finally violence was overcome by greater violence yet, the issue of social justice was not settled but continued to ferment under the newly strengthened power of the territorial lords, the local nobility, and the merchants in the cities. In all the territories it was the prince who emerged from the bloodshed as the pivotal figure of authority both in secular matters and ecclesiastical affairs.

The order of the various local churches had not been spared by the storm, regardless of the differences in their positions on the Reformation. The last vestiges of the medieval church authority which claimed superiority over the secular authority had been destroyed. In the Roman Catholic countries the bishops were forced into complete dependence on the territorial prince to have their pastoral authority supported by force. As the Roman Catholic historian Gottfried Eder has shown, Ferdinand of Austria, for example, who in 1524 had ordered his officials merely to hand over apostate clergymen to the bishops for punishment, now felt increasingly the need for sterner measures and began to intervene in the life of the church directly through the assertion of his authority as territorial lord. His edict of 1527 decreed that

> "He who receives or administers the Lord's Supper in both kinds after the manner of heretics is to be punished in his body, life, and property. If a monk discards his habit, or a clergyman his clerical dress, or if he lets his tonsure grow over or gets married, he is to be imprisoned, to be deprived of his benefice, etc. He who eats meat in an offensive manner during the forty days of Holy Lent, on holidays, Satur-

> days, or at any other established day of fasting, is to make repentance with water and bread in jail for as many days as he has violated days of fasting." 627

In the following year 1528 Ferdinand launched a program of visitation among the local parishes by his officials. The bishops were only invited to participate, so that even Eder cannot conceal his astonishment over such excessive zeal since these electoral visitations

> "relieve the ecclesiastical authority of too much work and appear as an interference with the episcopal rights and obligations, which however had been exercised in an insufficient manner." 628

In the territories where the reformation had spread, "the episcopal rights and obligations" were interfered with in precisely the same manner. This is not surprising. The steady suppression of the conciliar movement had undermined the authority of the bishops in such a manner that they now were unable to provide much help in the tremendous upheaval of the peasants' revolt, in either the catholic or the reformed districts. But the dilemma of the young evangelical churches was no less perplexing therefore. The measures by which the emergency was met in Saxony were for the time being not essentially different from the ones in Habsburg Austria. The old problem of a willful usurpation of the church property pushed itself to the fore with renewed

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627. Gottfried Eder: Die Reformvorschlaege Kaiser Ferdinands I. auf dem Konzil von Trient, op. cit., p. 12: "Wer nach ketzerischer Weise des Herrn Nachtmahl in beiden Gestalten begeht oder reicht, soll an Leib, Leben und Gut bestraft werden. Wenn ein Moench seine Kutte oder ein Pfaff seine priesterliche Kleidung wegwirft, die Tonsur verwachsen laesst, sich verehelicht, soll er gefaenglich eingezogen, der Pfruende entsetzt werden usw. Wer in den vierzig Tagen der hl. Fasten, an den Feiertagen oder Samstagen oder an anderen gebotenen Fasttagen in aergerlicher Weise Fleisch isst, der soll so viel Tage in einem Gefaengnis bei Wasser und Brot buessen, als er Fasttage nicht gehalten hat."

628. Ibid., p. 13: "weil sie der kirchlichen Obrigkeit zuviel Arbeit abnehmen und als Eingriff in die allerdings unzureichend ausgeuebten bischoeflichen Rechte und Pflichten erscheinen."

force. With the peasants subdued, the local barons and magistrates felt even less restrained than before to incorporate the church property into their own estates. Many of the congregations were now too poor to support a pastor on their own. Vacant churches did not know to whom to turn for help in finding a pastor. In local disputes the arbitration of a third outside party was needed. Above all, the matrimonial suits which so far had been handled by the bishops called for settlement. All in all the restoration of some church government was urgently needed. But the concrete problems were too pressing as to allow for the growth of the episcopal office from the local congregations which Luther had advocated in 1523.

Under the pressure of this emergency situation, many churches therefore followed the same course of action which the abbot of Buch had pursued in 1524. Without being specifically told so, they simply dropped their problems in the lap of the elector since he was the only one who seemed to be able to offer any help. There was, for example, the pastor who had become thoroughly disgusted with his congregation, which in the wild days of 1525 had burned down the parsonage.[629] Whatever the faults of the poor man might have been, it is understandable that he desired to be relieved from his lively congregation. But to whom should he present the request for a transfer? Thus he wrote to the elector, who in turn asked Luther for advice. Then there was the congregation which was quite distressed by the unceasing war which was

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629. Cf. Dr. Martin Luther's Briefwechsel, ed. by C.A.H. Burkhardt, Vogel, Leipzig, 1866, hereafter referred to as "Burkhardt", p. 90f (WA Br Nr. 939)

raged in the parsonage between the pastor and his wife.[630] Because of the delicate nature of the issue, the congregation did not want to interfere itself. Yet who should be the pastor of pastors but the elector as "the father of his people"? Thus they wrote to the prince who again turned the matter over to Luther. The involvement of the elector as the central figure in the spiritual problems of the congregation was therefore in the beginning not due to Luther's initiative at all. Any personal appeals which he had made to the elector so far had as a rule been appeals either to the supreme secular judge of the territory, as in the Leisnig dispute, or to the patron of a local church, as in the struggle over the private masses in All Saints' Church in Wittenberg.[631] The transfer of episcopal responsibilities for the administration of the church at large to the prince as "a bishop in emergency" did not originate with Luther himself but was born out of the disorder which followed the peasants' uprising.

In the first preliminary attempts of the next years to creat some order out of the prevailing chaos, Luther made a clear effort to maintain the distinction between the right use of ecclesiastical authority and that of secular

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630. Cf. ibid., p. 100f. For an account of the full extent of the prevailing confusion, which was not discovered before a systematic visitation of the local congregations in 1527 and 1528, cf. Schwiebert, op. cit., p. 618f.

631. Cf. Holl, op. cit., p. 310: "In the years up to 1525 more or less, the territorial lord was approached by Luther as little as possible ... But Luther wanted that the renewal of the church be accomplished as far as possible by the own strength of the congregations. Therefore he called on the help of the elector at first only when it was necessary to make a decision in a legal dispute." ("Den Landesherrn hat Luther in den Jahren bis etwa 1525 moeglichst wenig beigezogen. ... Aber Luther wollte, dass die Erneuerung der Kirche sich moeglichst aus der eigenen Kraft der Gemeinden heraus vollzoege. Darum rief er den Kurfuersten zunaechst hoechstens dann zu Hilfe, wenn es galt, einen Rechtsstreit zur Entscheidung zu bringen.")

AUTHORITY WHICH HIS CONCEPT OF THE CHURCH DEMANDED, IN A VALIANT, IF AT TIMES DESPERATE, STRUGGLE WITH THE LAWLESSNESS OF A TIME IN WHICH ALL SYSTEMS OF SOCIAL JUSTICE HAD BROKEN DOWN. BEYOND ANY DOUBT, A REALISTIC ATTEMPT TO DEAL WITH THE SITUATION WOULD HAVE TO INVOLVE THE PERSON OF THE PRINCE. THIS WAS A DEMAND NOT ONLY OF THE PRACTICAL NEEDS BUT ALSO OF LUTHER'S OWN PRINCIPLE OF ECCLESIASTICAL AUTHORITY. SINCE THE ELECTOR WAS, UNDER THE EXISTING CONDITIONS, THE SUPREME JUDGE IN HIS TERRITORY, IT WAS HIS CHRISTIAN "VOCATION" TO PROVIDE AN ADEQUATE LEGAL PROTECTION FOR THE PROPERTY AND RIGHTS OF THE PEOPLE IN HIS COUNTRY. TO BE A GOOD "LAY PRIEST" IN THIS RESPECT WOULD HAVE REQUIRED FROM HIM A MUCH FIRMER HAND IN THE USURPATION OF CHURCH PROPERTY THAN HE HAD SHOWN SO FAR IN THE LEISNIG CASE. BUT FOR LUTHER AN ISSUE OF A TOTALLY DIFFERENT NATURE WAS THE SPIRITUAL DISCIPLINE TO WHICH THE CHURCH AS FELLOWSHIP OF BELIEVERS WAS OBLIGATED IN THE ELECTING, CALLING, AND COUNSELLING OF THE CLERGY AND CONGREGATIONS. THIS RESPONSIBILITY RESTED WITH THE ENTIRE COMMUNITY OR BELIEVERS AND WAS TO BE EXERCISED WITH THE CONSENT AND COMMISSION OF ALL HER MEMBERS.

LUTHER TAKES THE FIRST STEP TOWARD A GENERAL ORDERING OF THE CHURCH IN A LETTER TO ELECTOR JOHN OF OCTOBER 31, 1525.[632] IT IS THE DISTRESS OVER THE MISERABLE LIVING CONDITIONS OF THE CLERGY AND NOT "THE VERY PROGRESS OF HIS CAUSE"[633] WHICH PROMPTS HIM TO WRITE. HE REMINDS THE ELECTOR OF HIS RESPONSIBILITY AS TEMPORAL LORD, AND AFTER A DESCRIPTION OF THE DECAY IN THE PARI-

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632. AFTER HIS DEATH ON MAY 5TH, 1525, FREDERIC THE WISE WAS SUCCEEDED BY HIS BROTHER JOHN WHO DECLARED HIMSELF OPENLY TO BE A STRONG SUPPORTER OF LUTHER'S REFORMATION.

633. HOLL, OP. CIT., P. 310: "AND IT WAS IN THE END THE VERY PROGRESS OF HIS CAUSE WHICH PROMPTED HIM TO TURN HIS EYES TOWARDS THE ELECTOR AFTER ALL FROM 1525 ON." ("... ZULETZT GERADE DER FORTSCHRITT SEINER SACHE WAR ES, WAS IHN BEWOG, SEIT 1525 DOCH SEINEN BLICK AUF DEN KURFUERSTEN ZU RICHTEN.")

SHES, HE PRESSES AGAIN FOR A PROMPT SETTLEMENT OF THE CLAIMS TO THE FORMER CHURCH PROPERTY.

> "YOUR ELECTORAL GRACE WILL CERTAINLY FIND THE MEANS FOR IT. THERE ARE ENOUGH MONASTERIES, FOUNDATIONS, FIEFS, AND DONATIONS, AND OTHER THINGS, IF ONLY YOUR ELECTORAL GRACE WILL GIVE THE ORDER TO EXAMINE, TO COUNT, AND TO ORDER THEM." 634

IN HIS REPLY OF NOVEMBER 7TH, 1525, ELECTOR JOHN SHOWS HIMSELF NOT TOO EAGER TO BECOME INVOLVED IN THE ANNOYING PROBLEM OF CHURCH FINANCES. THE THORNY SUBJECT OF THE FORMER CHURCH PROPERTY IS COMPLETELY IGNORED BY HIM. QUITE OBVIOUSLY HE IS CONCERNED ABOUT A PRECIPITATE SPECULATION ON SUBSIDIES FROM THE ELECTORAL TREASURY. THEREFORE HE STRESSES FIRST OF ALL HIS OWN LACK OF FUNDS. INSTEAD HE SUGGESTS A MORE ACTIVE PARTICIPATION OF THE CITIZENS IN THE TOWNS IN THE SUPPORT OF THE CHURCH. HE THUS HANDS THE PROBLEM BACK TO LUTHER, ASKING HIM TO WORK OUT THE PLANS ON HOW THE WEALTHY TOWNSPEOPLE COULD BE MOBILIZED. 635 AS A RESULT OF THESE NEGOTIATIONS, LUTHER PROPOSES A VISITATION OF ALL PARISHES WITH THE STIPULATION THAT THE ELECTOR SHOULD BE CALLED FOR ASSISTANCE ONLY IN SUCH CASES WHERE THE PEOPLE WANT EVANGELICAL PREACHERS AND THE LOCAL PARISH LACKS THE MEANS OF SUPPORTING THEM. IN SUCH CASES, BY ELECTORAL DECREE, AN ARRANGEMENT SHOULD BE WORKED OUT WITH THE CIVIL COMMUNITY TO GIVE

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634. DE WETTE, VOL. III, P. 39F: "E.K.F.G. WIRD DA WOHL MITTEL ZU FINDEN. ES SIND DA KLOSTER, STIFT, LEHEN UND SPENDEN, UND DES DINGS GNUG, WO NUR E.K.F.GN. BEFEHL SICH DREIN GIBT, DIE ZU BESEHEN, RECHEN UND ORDENEN."

635. BURKHARDT, P. 92F. LUTHER'S REPLY TO THE ELECTOR OF NOVEMBER 30TH WHICH IS FOUND IN DE WETTE'S COLLECTION (DE WETTE, VOL. III, P. 51F) MAKES IT CLEAR THAT THE ELECTOR HAD COMPLETELY MISUNDERSTOOD LUTHER'S REQUEST. THE HELP WHICH LUTHER EXPECTED FROM HIM AS TEMPORAL LORD WAS NOT FINANCIAL ASSISTANCE FROM THE ELECTORAL CHAMBER, BUT FIRST OF ALL A DECISION ON THE CHURCH PROPERTY: "IT IS NOT MY INTENTION THAT THE PARISHES SHOULD ALL BE SUPPORTED OUT OF THE EXCHEQUER OF YOUR ELECTORAL GRACE." ("NU IS DAS MEINE MEINUNG NICHT, DASS ALLE PFARREN SOLLTEN AUS E.K.F.G. KAMMER BESTELLET WERDEN.")

TO THE CONGREGATION AN ANNUAL CONTRIBUTION EITHER FROM THE CITY COUNCIL OR FROM "SOMEWHERE ELSE."[636] SOME TENTATIVE PARISH VISITATIONS THROUGH CLERGYMEN IN 1526 CONVINCE LUTHER THAT THE GENERAL DISORDER CALLS FOR MORE DEFINITE ACTION. WITH THE INFORMATION GATHERED IN THE PARISHES, LUTHER IS NOW IN A BETTER POSITION TO MAKE SPECIFIC PROPOSALS TO THE ELECTOR IN A LETTER OF NOVEMBER 22, 1526.[637] SINCE THESE PROPOSALS WILL BECOME THE BASIC PRINCIPLES FOR THE GENERAL CHURCH VISITATION IN THE FOLLOWING YEARS, WE SHALL PRESENT THEM IN A MORE EXTENSIVE MANNER.

FIRST, LUTHER STRESSES AGAIN HIS BASIC RULE THAT EACH CONGREGATION IS ITSELF RESPONSIBLE FOR THE SUPPORT OF ITS MINISTERS. IF THE ADULTS ARE UNWILLING TO MAINTAIN A PREACHER, "THEY MAY JUST AS WELL GO TO THE DEVIL."[638] BUT THERE IS THE YOUTH. THEIR INSTRUCTION MUST NOT BE NEGLECTED. LUTHER'S

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636. DE WETTE, VOL. II, P. 51: "... THAT YOUR ELECTORAL GRACE HAS ALL THE PARISHES VISITED THROUGHOUT THE PRINCIPALITY AND WHERE IT IS FOUND THAT THE PEOPLE WANT TO HAVE EVANGELICAL PREACHERS AND THE PARISH PROPERTY IS NOT SUFFICIENT TO SUPPORT THEM, THAT THEN BY DECREE OF YOUR ELECTORAL GRACE, THE SAME COMMUNITY, EITHER FROM THE CITY COUNCIL OR ELSEWHERE, SHOULD HAVE TO GIVE A CERTAIN ANNUAL AMOUNT." ("... DASS E.K.F.G. ALLE PFARREN IM GANZEN FUERSTENTHUM LIESSEN BESEHEN, UND WO MAN FUENDE, DASS DIE LEUTE WOLLTEN EVANGELISCHE PREDIGER HABEN, UND DER PFARREN GUT NICHT GNUGSAM WAERE, SIE ZU UNTERHALTEN, DASS ALSDENN AUS BEFEHLE E.KLF.G. DIESELBIGE GEMEINE, ES WAERE VON DEM RATHAUSE ODER SONST, SO VIEL JAEHRLICH REICHEN MUESSTE.")

637. IBID., P. 135FF

638. IBID., P. 136: "IF THE OLDER GENERATION IS UNWILLING, THEY MAY JUST AS WELL GO TO THE DEVIL." ("WOLLEN DIE ALTEN JA NICHT, MUEGEN SIE IMMER ZUM TEUFEL HINFAHREN.") CF. IBID.: "... IF I COULD DO IT WITH A GOOD CONSCIENCE, I WOULD GIVE MY HELP TO IT THAT THEY HAD NO PASTOR OR PREACHER AND SHOULD LIVE LIKE PIGS AS THEY DO ANYWAY." ("... WENN ICHS MIT GUTEM GEWISSEN ZU THUN WUESSTE, MOECHTE ICH WOHL DAZU HELFEN, DASS SIE KEINEN PFARRHERR ODER PREDIGER HAETTEN, UND LEBTEN WIE DIE SAEUE, ALS SIE DOCH THUN.")

concern over this issue becomes understandable when we realise that the whole task of education has been so far carried out by the churches. In most places public schools did not exist. Therefore Luther cannot ignore this problem. If there is no instruction of the youth, all order will ultimately break down and "the country will be full of wild loose people".[639] While the church must exhort temporal society to fulfill this responsibility adequately, the task of public education is not the proper work of the church. Luther points out with emphasis that this is a responsibility to be carried out by the civil authority, and he calls the elector the "supreme guardian of the youth" in his territory.[640] Second, where the people want an evangelical preacher and the city fathers have means sufficient to support him, the elector has the authority to force the city council to make adequate provisions for the clergy, the church, and the schools.[641] Third, where however the people do not have the means, the common man should not be given an additional burden, but the support of the church should come from the former church property which at the time is seized by the local nobility. Luther adds the sober reminder that these goods will not bring any benefit to the electoral exchequer. Since they were originally donated for the worship of God, they should be used for this purpose, and only what is left over beyond the needs of the church should be

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639. De Wette, Vol. III, p. 136: "... wird dazu das Land voll wilder, loser Leute ..."

640. Ibid.: "oberster Vormund der Jugend" - In all likelihood, Elector John felt rather worried than flattered by this new honor.

641. Ibid.: "Where there is a town or village which has the means, Your Electoral Grace has the authority to force them to support schools, pulpits, and parishes." ("Wo eine Stadt oder Dorf ist, die des Vermoegens sind, hat E.K.F.G. Macht sie zu zwingen, dass sie Schulen, Predigtstuehle, Pfarren halten.")

used by the elector for the general welfare of the country. Fourth, the visitation since it will have to deal with both legal and spiritual problems, should be carried out always by a team of four persons, two who are experienced in rents and estates and two who have a good knowledge of doctrine and of people.

This proposal was perhaps as good a preliminary reform plan as could be designed under the existing conditions of that time. As long as the law was brazenly ignored or violated by its public agents, the most "undemocratic" solution would have been the application of a "democratic" principle. Since the local rulers considered the church property as a stray good, freely to be grabbed, the support of the church simply by the individual members would only have helped to channel the common man's money faster into the pockets of those who were in power. Luther therefore very judiciously demanded the assistance of the elector as temporal lord and asked for two legal experts as visitors. The passion with which Luther wrestled with the elector for a decision on this matter is revealed in a dramatic incident that took place in the electoral castle in December of this year 1526. In order to stop any paltry excuses about "the plunder of the monasteries", Luther one day burst - to the horror of the courtiers - into the bedroom of the elector to corner him there alone and to press him for an answer. But the only response which he could obtain was "We must go cautiously so that everything is done rightly".[642] For a

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642. Cf. Luther's letter to Spalatin of January 1st, 1527 in de Wette, Vol. III, p. 146ff: "Serious indeed, my Spalatin, are things with the rapine of the monasteries, and believe me, this matter wears me down tremendously. ... Discontented with it, I even burst into the Prince's bedroom (as the Prince was there) against the opposition of all, in order to see him on this matter alone ... The answer is: 'We must go cautiously so that everything is done right.' What should I say? Even under the best Prince

moment the thought flickered through his mind to make use of the last weapon which was left to him and which he knew how to handle quite well, namely the public admonition of the prince through a treatise. He wrote to his friend Spalatin:

> "I know no other remedy but that it seems to me that the Prince is to be admonished in a public treatise that he should administer the monasteries in a different manner." 643

The Territorial Church.

But Luther did not write this public admonition of the prince which would have put a clear public separation between spiritual and temporal authority. Instead matters developed in the opposite direction. The visitation program led to the eventual unification of ecclesiastical and secular authority which was permanently established in the territorial government of the elector.

In 1527 the proposed visitations were begun. An extremely practical method had been adopted for this project. The visitors were given only some general outlines for their journeys through the country. The working out of the details was left up to their own decision in each case.[644] The main objective of this first round of visitations was to gather information on the

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I fear haze, false colors, and fictions are forced upon me and us all, so much so that we are even compelled not to know the authors." ("Seria sunt valde, mi Spalatine, de rapina monasteriorum, et crebe, macerat res ista me vehementer ... Hoc non contentus irrupi (dum hic erat Princeps) invitis omnibus etiam in cubile Principis, ut solum convenirem super hac re ... Responsum est, cautum iri, ut recte fierent omnia. Quid dicam? sub optimo Principe metuo mihi et nobis omnibus fumos, fucos, fabulas obtrudi, etiam ita ut autores nescire cogamur.")

643. Ibid., p. 147: "... consilium aliud non habeo, quam quod mihi publico libello monendus esse videtur Princeps, ut monasteria aliter administret ..."

644. WA 26, 179f

actual situation in the parishes. On the basis of these experiences more precise instructions could be worked out on an overall church visitation in the next year. As the project assumed more concrete and detailed forms, Melanchthon was able to write a first draft of instruction articles which then was examined by various other Lutheran theologians - not without some time-consuming controversy over the exact formulation of the text, to be sure. But at a conference in Torgau on November 26-29, 1527, a general consensus could be established between Luther, Melanchthon, Bugenhagen, Agricola, and several representatives of Elector John. In February 1528 the final draft of the visitation articles together with a preface by Luther could be given to the printer. With slight revisions the articles were republished in 1538-39 and 1545 and served the church in Saxony during these formative years as the principal manual for the ministry.[645]

Above all, this visitation booklet clearly seeks to fulfill a pastoral function. It is a handbook of practical theology for the parish pastor in a turbulent time. In a manner simple enough as to be grasped by people with little or no theological training, it gives an evangelical exposition of the problems which beset the ministers in the congregations then, through a discussion of the ten commandments, prayer, suffering, baptism, eucharist, repentance, confession, satisfaction for sin, observation of festival days, marriage, free will, the Turkish threat, education of the children, church discipline, and the office of the district superintendent. On the whole these explanations are offered in the manner of a spiritual counsel rather than as official instructions. No doubt they were welcomed in many a parsonage with gratitude as an urgently needed help.

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645. WA 26, 186

Two of these visitation articles are of particular interest for a study of the concept of ecclesiastical authority which is set forth in this manual. They are the ones on church discipline and on the office of the superintendent. A clear effort is made to preserve the particular spiritual authority which the church is called to exercise as a witness and response to the Lordship of the present Christ through a careful use of church discipline. The congregations are admonished:

> "It would be good if the punishment of the true and Christian excommunication would not be lost which is described in Matthew 18:17f. Therefore those who live in public offenses such as adultery, daily drunkenness, and the like, should not be admitted to the holy sacrament. Yet at first they ought to be admonished several times to better themselves. Afterwards if they do not better themselves, they may be declared excommunicated. ... But the excommunicated may very well go to the sermon ..." 646

But this admonition, still reminiscent of the provisions on church discipline made by the Leisnig order, is now not connected with the functions of deacons or church wardens as representatives of the parish assembly. Instead the visitation articles turn immediately to the creation of the new office of the district superintendent. One of the parish pastors shall be designated as the one to supervise and counsel the other pastors of the area in their ministry, teaching, and personal conduct as well as examine the candidates for vacancies. This newly established office thus seemed to provide a very practical

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646. WA 26, 233, 25: "Es were auch gut, das man die straffe des rechten und Christlichen Banns, davon geschrieben stehet Matthei am achtzehenden, nicht gantz liesse abgehen. Daruemb welche ynn offentlichen lastern, als ehebruch, teglicher fuellerey und der gleichen ligen und davon nicht lassen woelen, sollen nicht zu dem heiligen Sacrament zugelassen werden. Doch sollen sie etliche mal zuvor vermanet werden, das sie sich bessern. Darnach, so sie sich nicht bessern, mag man sie ynn Bann verkuendigen. ... Es muegen auch die verbannte wol ynn die predigt gehen, ..."

TEMPORARY SOLUTION TO THE NEED OF THE EPISCOPAL FUNCTIONS OF "A PASTOR FOR THE PASTORS". THIS MOST CERTAINLY WAS THE MANNER IN WHICH IT WAS UNDERSTOOD AND EXERCISED BY A GREAT MANY OF THE NEW OFFICE HOLDERS. ITS STARTLING NOVELTY HOWEVER IS THE FACT THAT IT IS DIRECTLY LINKED TO THE AUTHORITY OF THE ELECTORAL OFFICE. TO THE QUESTION OF WHAT SHOULD BE THE SOURCE OF POWER FOR THE SUPERINTENDENT, THE INSTRUCTION ANSWERS:

> "IF HE [A PASTOR ADMONISHED BY THE SUPERINTENDENT] WILL NEITHER LEAVE IT [HIS OFFENSE] NOR GIVE IT UP, PARTICULARLY IN THE EXCITATION OF FALSE DOCTRINE AND OF RIOT, THEN THE SUPERINTENDENT SHALL IMMEDIATELY ANNOUNCE THIS TO THE ADMINISTRATOR [AMPTMAN], WHO SHALL AT ONCE REPORT IT TO OUR GRACIOUS LORD, THE ELECTOR, SO THAT HIS ELECTORAL GRACE MAY IN TIME APPLY ADEQUATE MEASURES." 647

THIS INSTRUCTION MADE THE SUPERINTENDENT IN FACT THE ECCLESIASTICAL REPRESENTATIVE OF THE ELECTOR. BY POSSESSING A DIRECT LINE TO THE ELECTOR VIA THE ELECTORAL DISTRICT ADMINISTRATOR, THE SUPERINTENDENT WAS GIVEN AN AUTHORITY WHICH COULD NEITHER BE QUESTIONED NOR IMPEACHED BY HIS FELLOW PASTORS OR FELLOW CHRISTIANS IN THE AREA. HE WAS SUBJECT ONLY TO THE ELECTOR, WHO ALL BY HIMSELF COULD APPROVE OR DISAPPROVE HIS DISCIPLINARY ACTIONS AS THE FINAL ARBITER OF ALL MATTERS IN THE CHURCH. MOREOVER, ONE OF HIS FUNCTIONS, EXPRESSLY MENTIONED, WAS TO PAY CLOSE ATTENTION THAT NOBODY WOULD "PUBLICLY PREACH OR TEACH RIOT AGAINST THE [SECULAR] AUTHORITY". 648

THE FULL IMPACT OF THE INSTRUCTION ON THE SUPERINTENDENT'S OFFICE WILL BE UNDERSTOOD WHEN IT IS SEEN AGAINST THE BACKGROUND OF QUITE A DIFFERENT SET

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647. WA 26, 235, 21: "WUERDE ER ABER DAVON NICHT LASSEN NOCH ABSTEHEN WOLLEN UND SONDERLICH ZU ERWECKUNG FALSCHER LERE UND DES AUFFRHURS, SO SOL DER SUPERATTENDENS SOLCHS [illegible]UGLICH DEM AMPTMAN ANZEIGEN, WELCHER DENN SOLCHS FURT UNSERM GNEDIGSTEN HERRN DEM CHURFUERSTEN VERMELDEN SOL, DAMIT SEINE CHURFUERSTLICHE GNADEN HIRYNN YNN DER ZEIT BILLICHEN VERSEHUNG FUERWENDEN MUEGEN."

648. WA 26, 235, 14: "ZU AUFFRHUR WIDDER DIE OEBRICKEIT DIENSTLICH PREDIGEN ODDER LEREN."

OF INSTRUCTIONS WHICH ELECTOR JOHN HAD ISSUED AT THE SAME TIME TO HIS OFFICIALS ABOUT THE PERSECUTION OF THE ANABAPTISTS. THE RESTLESSNESS OVER SOCIAL INJUSTICE, WHICH HAD BEEN POLITICALLY AND MILITARILY CRUSHED, HAD FOUND A SPIRITUAL EXPRESSION IN THE ANABAPTIST MOVEMENT WHICH SPREAD SECRETLY AMONG THE PEOPLE, PARTICULARLY IN THURINGIA. WITH THE NOTABLE EXCEPTION OF PHILIP OF HESSE, THE PRINCES SAW IN THIS MOVEMENT NOTHING BUT A CONTINUATION OF THE PEASANTS' REVOLT AND WERE READY TO PERSECUTE IT RUTHLESSLY. IN 1527 ELECTOR JOHN HAD SHOWN NO SCRUPLES AGAINST EXECUTING TWO OF HIS SUBJECTS ON THE CHARGE OF ANABAPTISM WITHOUT ANY CLEAR EVIDENCE OF AN ATTEMPT AT REBELLION.[649] THROUGH THE OFFICE OF THE SUPERINTENDENT A FORMIDABLE CHAIN OF COMMAND WAS THUS ESTABLISHED WHICH ENABLED THE ELECTOR TO MAKE HIS POWER FELT EVEN IN THE SMALLEST AND REMOTEST PARISH OF THE ELECTORATE AND TO EMPLOY THE ENTIRE CHURCH ORGANISATION IN THE PERSECUTION OF THE ANABAPTISTS,IN THE FORM OF A SPIRITUAL POLICE FORCE. SOME OF THE SUPERINTENDENTS - PARTICULARLY JUSTUS MENIUS IN EISENACH AND FREDERIC MYKONIUS IN GOTHA, WHO BOTH WERE SITUATED IN THE SAXON DISTRICT OF THURINGIA, A CENTER FIRST OF THE PEASANTS' MOVEMENT AND THEN OF THE ANABAPTISTS - WERE TO EXPRESS THEIR SERIOUS CONFLICTS OF CONSCIENCE OVER THE RUTHLESS SUPPRESSION OF ANABAPTISTS IN WHICH THEY BECAME INVOLVED AS THE PERSECUTION OF THIS MOVEMENT INCREASED IN THE FOLLOWING YEARS.[650]

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649. ONE OF THE VICTIMS, WOLF SCHREINER, HAD EVEN PRESENTED EXCELLENT RECOMMENDATIONS ON HIS PERSONAL CONDUCT. ALTHOUGH HE HAD MARRIED THE WIDOW OF A MAN WHO HAD BEEN KILLED IN THE PEASANTS' REVOLT IN THE SERVICE OF THE ELECTOR, SCHREINER DID NOT ESCAPE THE EXECUTIONER. IN THE EXECUTION OF THESE ANABAPTISTS, ELECTOR JOHN FOLLOWED THE EXAMPLE WHICH HAD BEEN SET BY THE BISHOP OF WUERZBURG. CF. PAUL WAPPLER: DIE STELLUNG KURSACHSENS UND DES LANDGRAFEN PHILIPP VON HESSEN ZUR TAEUFERBEWEGUNG, REFORMATIONSGESCHICHTLICHE STUDIEN UND TEXTE, ED. BY JOSEPH GREVING, HEFT 13 & 14, MUENSTER, 1910, PARTICULARLY P. 3F.

650. WAPPLER, OP. CIT., PP. 12FF

To be sure the measures which were taken in Luther's Saxony in an effort to restore some order among the churches after the peasants' uprising were not unusual at all when seen within the context of their times. They certainly were not more rigorous than the ones adopted in the Roman Catholic territories. In the suppression of the anabaptists the same unchristian ruthlessness prevailed everywhere, not only in the German estates but also in Switzerland, with the outstanding exception of Landgrave Philip's province of Hessen. Different from the enforcement of religious practices by the police in Ferdinand's Austria, the Lutherans in Saxony could even boast at that time with some right that the main objective of their visitation program was to bring spiritual advice and a simple explanation of the Christian faith to congregations which were without any counsel in these turbulent years. Above all, the "de facto" transfer of episcopal functions to the princes as the chief administrators of the churches within their territories had been growing long before Luther ever appealed to the elector for help in the Saxon visitation program. After the steadily increasing influence of the princes on the life of the church, particularly since the Council of Constance, their emergence as the undisputed lords in both the secular and ecclesiastical administration of the territories did not depend on Luther's initiative. Their triumph over the miscarried social revolt of the peasants was only the final push which was needed to bring a clear acknowledgement of their actual power in the life of the church. The diet of Speyer in 1526 could not but recognize the princes as the final judges in the issue of the church reform for the time being. With reluctance on the part of some members and with eagerness on the part of others, it decided that:

"UNTIL THE MEETING OF THE GENERAL CHURCH COUNCIL ALL THE PRINCES WOULD LIVE, ACT, AND RULE THEIR SUBJECTS IN SUCH WISE AS EACH ONE THOUGHT RIGHT BEFORE GOD AND HIS IMPERIAL MAJESTY." 651

ALL THESE ARE CONSIDERATIONS WHICH MUST NOT BE FORGOTTEN, IN AN EVALUATION OF THE EMERGENCY MEASURES TAKEN IN SAXONY WHICH REFUSES TO MAKE LUTHER INTO EITHER A SATAN OR A HALF-GOD BY ATTRIBUTING MORE TO HIS INFLUENCE THAN IS DUE.

NEVERTHELESS AFTER ALL THIS HAS BEEN SAID, IT NEEDS TO BE POINTED OUT THAT IT WAS THE VISITATION PROGRAM IN SAXONY WHICH THROUGH THE CREATION OF THE SUPERINTENDENT'S OFFICE MADE THE TERRITORIAL CHURCH GOVERNMENT OF THE PRINCE AN INTEGRAL PART OF THE ORGANISATIONAL STRUCTURE OF THE CHURCH AND THUS GAVE IT A BASIS FOR DEVELOPING INTO A PERMANENT ESTABLISHMENT. SINCE THIS ATTEMPT AT ORDERING THE LIFE OF THE CHURCH FEEL CONSIDERABLY SHORT OF THE EXPECTATIONS WHICH LUTHER HAD CLEARLY EXPRESSED IN HIS EARLIER PROPOSALS FOR A CHURCH REFORM, THERE REMAINS THEN THE FINAL QUESTION: HOW IS THIS NEWLY EMERGING CHURCH ORGANISATION TO BE UNDERSTOOD ON THE BASIS OF LUTHER'S PRINCIPLE OF ECCLESIASTICAL AUTHORITY?

THE PRINCE AS LUTHER'S EMERGENCY BISHOP

LUTHER'S INVOLVEMENT.

THE "INSTRUCTION OF THE VISITORS TO THE PASTORS ..." IS PREFACED WITH AN INTRODUCTION BY LUTHER IN WHICH HE APPEALS TO THE READERS "TO SUBMIT THEMSELVES TO THE VISITATION WILLINGLY, WITHOUT COMPULSION, AFTER THE MANNER OF

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651. CF. STEPHEN A. FISCHER-GALATI: "OTOMAN IMPERIALISM AND THE LUTHERAN STRUGGLE FOR RECOGNITION IN GERMANY, 1520-1529" IN CHURCH HISTORY 23, 1954, P. 57F

LOVE"[652] IN ORDER "TO MAINTAIN SPIRITUAL UNITY THROUGH THE BOND OF LOVE AND PEACE".[653] OF GREAT SIGNIFICANCE IS THE PASSAGE IN WHICH LUTHER DISCUSSES THE LEGITIMACY OF THE CHURCH VISITATION. WE SHALL THEREFORE QUOTE IT RATHER EXTENSIVELY.

> "... WE TOO WOULD HAVE LIKED VERY MUCH TO SEE THE SAME EPISCOPAL AND VISITORIAL OFFICE AGAIN ESTABLISHED AS IT IS MOST BADLY NEEDED. BUT SINCE NONE OF US WAS CALLED TO IT OR HAD A DEFINITE COMMISSION FOR IT ... NONE [OF US] DARED TO UNDERTAKE IT BEFORE THE OTHER. THEREFORE WE HAVE PREFERRED CERTAINTY AND HAVE KEPT OURSELVES TO THE OFFICE OF CHARITY (WHICH IS COMMON AND COMMANDED TO ALL CHRISTIANS) AND HAVE PREVAILED WITH HUMBLE REQUESTS UPON THE SERENE AND HONORABLE PRINCE AND LORD, 'HERREN' JOHANS, DUKE OF SAXONY, ... AS THE ONE WHO IS ORDAINED BY GOD TO BE THE TERRITORIAL LORD AND OUR CERTAIN SECULAR AUTHORITY, THAT HIS ELECTORAL GRACE, OUT OF CHRISTIAN CHARITY (TO WHICH HE IS NOT OBLIGED AS SECULAR AUTHORITY) AND FOR THE SAKE OF GOD AND FOR THE PROFIT OF THE GOSPEL AND WELFARE OF THE POOR CHRISTIANS IN HIS ELECTORAL GRACE'S TERRITORY, MAY SUMMON AND ORDER SEVERAL QUALIFIED PERSONS TO THIS OFFICE. WHICH THEN HIS ELECTORAL GRACE ALSO HAS DONE AND ACCOMPLISHED THROUGH GOD'S PLEASURE AND HAS ORDERED IT TO THE FOLLOWING FOUR PERSONS, NAMELY: THE GRACIOUS, HONORABLE 'HERRN' HANSEN, LORD OF PLAWNITZ, KNIGHT ETC., THE RESPECTABLE, VERY LEARNED 'HERRN' HIERONYMUS SCHURFF, DOCTOR OF LAW, ETC., THE GRACIOUS AND HONORABLE ASMUS OF HAUBITZ ETC., AND THE RESPECTABLE 'HERRN' PHILIPPUS MELANCHTHON, MASTER ETC. MAY GOD GIVE THAT IT BE AND BECOME A BLESSED EXAMPLE FRUITFULLY TO BE FOLLOWED BY ALL OTHER GERMAN PRINCES FOR WHICH CHRIST WILL ALSO GIVE HIS REWARD ON THE LAST DAY. AMEN." 654

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652. WA 26, P. 300: "... SICH WILLIGLICH, ON ZWANCK, NACH DER LIEBE ART SOLCHER VISITATION UNTERWERFFEN ..."

653. IBID., P. 201: "... DIE GEISTLICHE EINICKEIT ... ZU HALTEN YM BANDE DER LIEBE UND DES FRIDES."

654. WA 26, PP. 197FF: "... HETTEN WIR AUCH DASSELBIGE BISCHOFLICH UND BESUCHEAMPT ALS AUFFS HOCHEST VON NOETEN GERNE WIDDER ANGERICHT GESEHEN, ABER WEIL UNSER KEINER DAZU BERUFFEN ODDER GEWISSEN BEFEHL HATTE, ... HAT SICHS KEINER FUER DEM ANDERN THUEREN UNTERWINDEN. DA HABEN WIR DES GEWISSEN WOLLEN SPIELEN UND ZUR LIEBE AMPT (WELCHS ALLEN CHRISTEN GEMEIN UND GEPOTEN) UNS GEHALTEN UND DEMUETIGLICH MIT BITTEN ANGELANGT DEN DURCHLEUCHTIGISTEN HOCHGEBORNEN FUERSTEN UND HERREN, HERREN JOHANS, HERTZOG ZU SACHSEN, ... ALS DEN LANDSFUERSTEN UND UNSER GEWISSE WELTLICHE OEBERKEIT VON GOTT VERORDENET, DAS S.K.F.G. AUS CHRISTLICHER LIEBE (DENN SIE NACH WELTLICHER OEBERKEIT NICHT SCHULDIG SIND) UND UMB GOTTS WILLEN DEM EUANGELIO ZU GUT UND DEN ELENDEN CHRISTEN YHN S.K.F.G. LANDEN ZU NUTZ UND HEIL GNEDIGLICH WOLTEN ETLICHE TUECHTIGE PERSONEN ZU SOLCHEM AMPT

THREE SIGNIFICANT POINTS DESERVE TO BE EMPHASIZED. FIRST, LUTHER APPROVES OF THE VISITATION AND RECOMMENDS IT AS A MEASURE THAT HAS BECOME NECESSARY THROUGH THE EXISTING CONDITIONS. SECOND, LUTHER IS OBVIOUSLY CAUGHT IN A CONFLICT. TO BE A LEGITIMATE ACT OF THE PUBLIC CHURCH, THE VISITATION MUST BE BASED UPON "A CALL OR CERTAIN COMMISSION", ACCORDING TO LUTHER'S OWN UNDERSTANDING OF THE NATURE OF THE CHURCH. SINCE NONE OF THE THEOLOGIANS POSSESSES A SURE PUBLIC AUTHORISATION FOR THIS WORK, LUTHER BASES THE VISITATION UPON THE CERTAIN AUTHORITY WHICH THE PRINCE POSSESSES AS TEMPORAL LORD. THE ELECTOR IS NOT INDEBTED AS TEMPORAL LORD TO CARRY OUT THIS SERVICE, BUT AS A CHRISTIAN HE IS ENTITLED TO DO SO. THIRD, THE OFFICE OF VISITATION IS CLEARLY IDENTIFIED BY LUTHER AS THE EPISCOPAL OFFICE OF VISITATION. AGAINST HOLL'S CLAIM THAT THE ELECTOR'S PARTICIPATION WAS TO BE NO MORE THAN SIMPLY THE DESIGNATION OF THE VISITORS,[655] IT MUST BE CONTENDED THAT LUTHER CLEARLY SPEAKS OF A COMMISSION OF THE VISITORS BY THE ELECTOR ("... HIS ELECTORAL GRACE ... HAS ORDERED IT TO THE FOLLOWING FOUR PERSONS ...").

FODDERN UND ORDENEN, WELCHS DENN S.K.F.G. ALSO GNEDIGLICH DURCH GOTTES WOLGEFALLEN GETHAN UND ANGERICHT HABEN, UND SOLCHS DEN VIER PERSONEN BEFOLHEN, NEMLICH DEM GESTRENGEN, ERNVHESTEN HERRN HANSEN, EDLEN VON DER PLAWNITZ, RITTER ETC., DEM ACHTBARN, HOCHGELARTEN HERRN HIERONYMO SCHURFF, DER RECHTEN DOCTORN ETC., DEM GESTRENGEN UND VHESTEN ASMUS VON HAUBITZ ETC., UND DEM ACHTBARN HERRN PHILIPPO MELANCHTHON, MAGISTRO ETC. GOTT GEBE, DAS ES EIN SELIG EXEMPEL SEY UND WERDE, ALLEN ANDERN DEUDSCHEN FUERSTEN FRUCHTBARLICH NACH ZUTHUN, WELCHS AUCH CHRISTUS AM LETZTEN REICHLICH VERGELTEN WIRD. AMEN." [OF THE FOUR MENTIONED VISITORS, THE TWO NOBLEMEN (HANS EDLER VON DER PLANITZ AND ASMUS VON HAUBITZ) WERE NOMINATED BY THE ELECTOR WHILE HIERONYMUS SCHURFF (DOCTOR OF LAW) AND MELANCHTHON (THEOLOGIAN) WERE NOMINATED BY THE WITTENBERG UNIVERSITY. CF. WA 26, P. 179]

655. HOLL, OP. CIT., P. 316: "... THAT IS HE [THE ELECTOR] IS TO DESIGNATE THE PERSONAGES - NOT MORE THAN THIS!-, WHICH ARE TO CARRY OUT THE WORK." ("... D.H. ER [DER KURFUERST] SOLL DIE PERSOENLICHKEITEN BENENNEN - NUR DIES!-, DIE DAS WERK DURCHZUFUEHREN HABEN.") - ITALICS ARE HOLL'S.

LUTHER QUITE CLEARLY LABORS UNDER A STRAIN. THE VISITATION IS DESPERATELY NEEDED, BUT ITS AUTHORISATION RESTS ON AN ARTIFICIAL CONSTRUCTION. HE WANTS THE VISITATION ARTICLES TO GO OUT NOT AS "RIGID COMMANDMENTS" OR "NEW PAPAL DECREES", BUT AS "A WITNESS AND CONFESSION OF OUR FAITH".[656] HE THEREFORE POINTS OUT REPEATEDLY THAT THE PRINCE HAS NO COMMAND TO TEACH OR TO RULE SPIRITUALLY.[657] BUT THIS DISTINCTION OF TEMPORAL AND SPIRITUAL POWERS, WHICH LUTHER SEEKS TO ESTABLISH IN ACCORD WITH HIS PRINCIPLE OF ECCLESIASTICAL AUTHORITY, SIMPLY BREAKS DOWN IN THE END. THOSE WHO OPPOSE THE VISITATION ARE NOT GIVEN THE OPPORTUNITY OF DEFENDING THEMSELVES EITHER THROUGH SCRIPTURE OR A CONFESSION OF THEIR FAITH. THEY ARE TO BE DISMISSED FROM THE FELLOWSHIP OF THE CHURCH AND BECOME AUTOMATICALLY SUBJECT TO THE DISCIPLINE OF THE ELECTOR, WHO AS TEMPORAL LORD HAS TO PROTECT THE COUNTRY AGAINST "DISSENSION, SECTS, AND RIOT". IN THIS CHURCH ORDER THE DISTINCTION BETWEEN SPIRITUAL AND SECULAR AUTHORITY HAS THUS BEEN REDUCED TO NOTHING MORE THAN THE PROCESS OF STRAINED RATIONALISATION, DIVORCED FROM THE EVERYDAY LIFE OF THE CONGREGATION. IT MUST BE SERIOUSLY QUESTIONED WHETHER THE COMMON FOLK IN SAXONY COULD FIND IN THE

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656. WA 26, p. 200: "NICHT ALS STRENGE GEBOT", "NICHT NEWE BEPSTLICHE DECRETALES", "ALS EIN ZEUGNIS UND BEKENDNIS UNSERS GLAUBENS"

657. IBID.: "For although His Electoral Grace is not commanded to teach and to rule spiritually, nevertheless he is obliged as temporal authority to see to it that dissension, sects, and riot may not arise among his subjects, in the same manner as also Emperor Constantine summoned the bishops to Nicea, since he neither would nor should suffer the dissension which Arius had stirred up among the Christians in the empire, and kept them to a unanimous doctrine and faith." ("Denn ob wol S.K.F.G. zu leren und geistlich zu regirn nicht befolhen ist, So sind die doch schueldig, als weltliche oeberkeit, darob zu halten, das nicht zwitracht, rotten und auffrhur sich unter den unterthanen erheben, wie auch der Keiser Constantinus die Bischove gen Nicea foddert, da er nicht leiden wolt noch solt die zwitracht, so Arrius hatte unter den Christen ym Keiserthum angericht, und hielt sie zu eintrechtiger lere und glauben.")

organisational structure of the church the possibility of giving a witness to Christ's present lordship which was independent and free from the exercise of power by the territorial lord. Yet, to complicate the issue even more, Luther cites the example of Emperor Constantine, who allegedly kept the Christians in his empire "to a unanimous doctrine and faith", in support of a temporal authority which in Luther's own words "has no command to teach".[658] These manifest inconsistencies did not escape notice by Luther's opponents who already in 1527 had regarded the preparation of the visitation program as an attempt on Luther's part to "creep back again". Luther's refutation of this charge sounds weak and unconvincing: "It surely will quiet down again."[659] The comment of the reformer's opponents was not completely without justification. At this time Luther did indeed "creep back again" to that unfortunate collusion between the ecclesiastical authorities and the territorial powers which had been assailed by his forceful dissent some years ago.

There can be no doubt, here is a break in Luther's position for which his principle of ecclesiastical authority does not offer any justification. This church order goes far beyond the limits set by the rule of plurality, which Luther still had observed when he appealed to the princes in 1521 to aid in the calling of a general council. Now he lends his hand in the organisation of the church under the single authority of the territorial lord, in apparent contradiction to his claim that the visible church both in her faith and order

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658. Ibid.

659. Luther's letter to Elector John of October 12, 1527 in de Wette, 3, 211: "But that the adversaries like to boast that we are creeping back again does not deserve great consideration; it will quiet down again ..." ("Dass aber die Widerwaertigen moechten ruehmen, wir kruechen wieder zurueck, ist nicht gross zu achten; es wird wol still werden.")

is born out of the living Word of God, the rule of Christ as the sole mediator between God and man. One fails to see how the new regulations could be understood as "a witness and confession of faith" by the ill-instructed people of the time, who were compelled to accept them on pain of excommunication and expatriation. Grisar calls the new church order "an absolute caricature of the supposed ecclesiastical absolutism of the past"[660] and claims that the elector "used his newly acquired power to rule more autocratically in Church matters than any Pope had ever done".[661] While we may want to question the accuracy of these comparisons, the passion with which they are made is understandable, provided that the same indignation is felt about the drastic measures which were applied in all the territories at that time regardless of creed or confession. Yet Grisar's charge that along with many others Luther helped "to raise State-ecclesiasticism into the saddle"[662] cannot be denied.

The most valiant defense of Luther's role in the establishment of the state church has been offered by Karl Holl. Holl contends that Luther did not contradict his original ecclesiology through the position which he took in 1527. "Seen on the whole, the result is that in his preface [to the

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660. Hartmann Grisar: Luther, trans. by E.M. Lamond, Herder, St. Louis, 1918, Vol. V, p. 582

661. Ibid., p. 602

662. Ibid., p. 597. Lewis W. Spitz, inhhis rebuttal of Grisar, misquotes the passage and puts words into the mouth of his opponent which were never said by the man. In "Luther's Ecclesiology and His Concept of the Prince as Notbischof" in Church History, Vol. 22, 1953, p. 134, Spitz writes: "First of all, it seems difficult to see how in any genuine sense Luther can be called the 'father' of state-ecclesiasticism" and refers the quotation "father" in the footnote to "Hartmann Grisar, op. cit., p. 597". Grisar never called Luther the "father" of state-ecclesiasticism, but only said that Luther "helped to raise State-ecclesiasticism into the saddle."

"Instruction of the Visitors to the Pastors"] Luther merely repeated what he had always said since the year 1519."[663] Holl leaves no doubt that through the visitation program the ecclesiastical rule of the elector was established. But this is, in his opinion, the exclusive work of the political forces who usurped Luther's proposals for their own ends. "Within these circumstances, however, Luther's preface ... assumes in effect the meaning of A SILENT PROTEST."[664]

According to Holl's interpretation, Luther maintains a clear distinction between temporal and spiritual power throughout the preface as in all his other writings. The elector is merely asked to designate the visitors, but not to carry out the visitation personally, nor to make the visitors his officials. Holl finds a spirit totally different from Luther's view in the electoral instructions which present the elector as the temporal authority, from whom the visitors in turn receive their authority and commission in both spiritual and temporal affairs, who makes the visitors his officials, and who has the congregations instructed in his own name.[665] Holl's interpretation breaks down on three points, however. First, if Luther's preface was to serve as "A SILENT PROTEST" in 1528 - a strange thought in view of the loud protests of which Luther had proven himself capable - why did Luther let it go out

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663. Holl, op. cit., p. 318: "Auf das Ganze gesehen ergibt sich, dass Luther in seiner Vorrede nur das wieder gesagt hat, was er seit dem Jahr 1519 immer gesagt hat." (Italics are Holl's.)

664. Ibid., p. 321: "Unter diesen Umstaenden gewinnt aber die ... Vorrede Luthers tatsaechlich die Bedeutung EINES STILLSCHWEIGENDEN PROTESTS." (Italics are Holl's.)

665. Ibid., pp. 318ff

AGAIN IN 1538-39 AND 1545 WITH NO REVISIONS ON THIS VITAL POINT, AFTER THE STATE-CHURCH HAD BECOME AN ESTABLISHED REALITY? SECOND, HOLL, WHO FAILS TO DISCUSS CHURCH DISCIPLINE AS A SIGNIFICANT ELEMENT IN LUTHER'S ECCLESIOLOGY THROUGHOUT HIS INTERPRETATION, CONTENDS THAT THE FREEDOM OF THE CHURCH IS SUFFICIENTLY PROTECTED THROUGH THE "PRIVILEGIUM EMIGRANDI" TO BE GRANTED TO DISSENTERS IN PLACE OF THE CUSTOMARY CAPITAL PUNISHMENT.[666] "THEREBY THE CHARAC-

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666. AFTER SOME INITIAL RELUCTANCE LUTHER SHARED LATER FOR SOME YEARS MELANCHTHON'S CONVICTION THAT THE ANABAPTISTS SHOULD RECEIVE THE CAPITAL PUNISHMENT IF REPEATED INSTRUCTION COULD NOT DISSUADE THEM FROM THEIR DOCTRINE WHICH LUTHER CONSIDERED TO BE A PUBLIC BLASPHEMY AGAINST GOD. (CF. WAPPLER, OP. CIT., PP. 16FF) IN 1536, AFTER THE ESTABLISHMENT OF A THEOCRATIC GOVERNMENT IN MUENSTER, LUTHER ASSERTED THE RESPONSIBILITY OF TEMPORAL AUTHORITY TO RESTRAIN THE ANABAPTISTS WITH CAPITAL PUNISHMENT ON THE GROUNDS "THAT WORLDLY AUTHORITY HAS THE DUTY TO PROTECT AGAINST BLASPHEMY, FALSE DOCTRINE, HERESY, AND TO INFLICT THE CAPITAL PUNISHMENT UPON ITS ADHERENTS." (WA 50, 13, 28: "... DAS WELTLICHE OBERKEIT SCHULDIG IST, GOTTES LESTERUNG, FALSCHE LEER, KETZEREIEN ZU WEHREN UND DIE ANHENGER AM LEIB ZU STRAFFEN.") IN 1530 LUTHER HAD ALREADY ADVOCATED THE DEATH PENALTY AS PUNISHMENT FOR THOSE WHO PERSISTED IN PUBLIC PREACHING WITHOUT HAVING A PUBLIC CALL AND COMMISSION. "IF HE IS STUBBORN, THE AUTHORITIES SHOULD COMMEND SUCH A KNAVE TO THE PROPER MASTER WHO IS CALLED MASTER HANS [THE EXECUTIONER]." (WA 31, I, 212, 3: "WIL ER NICHT, SO BEFELH DIE OBERKEIT SOLCHEN BUBEN DEM RECHTEN MEISTER, DER MEISTER HANS HEISST.") HOWEVER IT SHOULD BE REMEMBERED THAT THESE EXTREME STATEMENTS WERE MADE BY LUTHER UNDER THE IMPACT OF THE UNRESTRAINED FORMS IN WHICH THE ANABAPTIST MOVEMENT PRESENTED ITSELF IN SOME PLACES DURING THESE FIRST YEARS OF ITS GROWTH. AT THE END OF LUTHER'S LIFE THEY WERE REPLACED AGAIN BY THE SOBER REALISATION THAT HERESIES CANNOT BE MET BY VIOLENT SUPPRESSION. IN THE SERMON OF FEBRUARY 7TH, 1546 LUTHER ADMITTED: "EVEN IF I ROOT OUT ONE HERETIC, THE SAME SEED, SOWN BY THE DEVIL, WILL SPROUT FORTH IN TEN PLACES AGAIN." (WA 51, 176, 11: "... OB ICH SCHON EINEN KETZER AUSROTTE, SO GEHT DOCH DER SELBE SAMEN, VOM TEUFFEL GESEET, AN ZEHEN ORTEN WIDER AUFF.") AND: "THEY SHOULD BE ALLOWED TO GRUMBLE IN THE CORNER; BUT AS MUCH AS YOU CAN HELP IT, YOU SHOULD NOT ALLOW THEM INTO THE [PASTOR'S] BENCH, THE PULPIT, AND THE ALTAR. THERE IS NO OTHER WAY TO RESTRAIN THEM. FOR IF I WOULD ROOT OUT ONE BY FORCE, TWO MORE OF THEM WOULD GROW UP INSTEAD." (WA 51, 184, 18: "MURREN IM WINCKEL MOEGEN SIE WOL, ABER AUFF DAS HOLTZLIN, AUFF DEN PREDISTUEL, ZU DEM ALTAR, SOLTU DIE, SO VIEL BEY DIR STEHET, NICHT LASSEN KOMEN. ANDERS KAN MAN JNEN NICHT WEHREN, DENN WO ICH EINEN WOLT MIT GEWALT AUSROTTEN, DA WACHSEN JR ZWEEN DARGEGEN AUFF.")

ter of free will was preserved for the joining of the church", says Holl. "Who remained in the country could be counted as one who agreed."[667] But Holl's principle of "freedom of the individual conscience" is a matter quite different from Luther's concept of church discipline which as a witness to Christ's present rule seeks the spiritual correction and faith in Christ of the disciplined person, and not his removal. Third, Holl's interpretation gives no answer to the central question: What, then, is the public authority under which these proposals for church order are to go into effect? Holl does not feel the weight of this problem and is satisfied with calling the project "a self-help of the church".[668] His vindication of Luther's honor can therefore not be maintained unless Luther's view of the church is essentially interpreted as an invisible fellowship in which the question of public authority is of little or no import, which is precisely what Holl does.

Holl's thesis was been recently reaffirmed by Lewis W. Spitz, who in like manner stresses "the consistency of Luther's theory and its application".[669] In one point Spitz adds an interesting new nuance to Holl's argument. What had been presented by Holl as the position of the usurping elector appears now suddenly in Luther's own mouth. It was, in Spitz' opinion, an occasional remark made by Luther in 1527 which was clarified later in Luther's preface to the "visitation book". In 1527, according to Spitz,

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667. Holl, op. cit., p. 318: "Dadurch wurde dem Beitritt zur Kirche der Charakter der Freiwilligkeit gewahrt. Wer im Lande blieb, konnte als Zustimmender gelten."

668. Ibid., p. 315: "... Selbsthilfe der Kirche ..."

669. Spitz, op. cit., p. 135

"... Luther describes the prince as the man who by virtue of his authority as the ruler of the state introduces and effects the visitation. The visitors in their spiritual as well as their secular capacities have power and authority from him: In his name the visitors inform the representatives of the congregations as to their duty in matters of order and faith." 670

In Spitz' interpretation, this was

"... an occasional order and not well thought out as to theory or far reaching results. In it Luther wrote precipitously, concretely, assuming that he would be understood in the light of his often expressed views of church and state." 671

This "occasional order" of 1527 was then more fully explained by Luther in the preface of 1528 which "qualifies and relates this action of the prince with a real concern for the proper theory and perspective". 672 Spitz finds it difficult to see "why Holl considers the Vorrede [preface] 'a quiet protest', since it is very frank and insistent to the limitations of the

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670. Ibid., p. 131. This passage has been taken by Spitz verbatim from Holl's article. While Spitz acknowledges a general indebtedness to Holl, he unfortunately fails to identify this passage as a literal translation of Holl's words. cf. Holl, op. cit., p. 318f: "Here the elector appears as the man who by virtue of his authority as territorial lord commands and carries out the visitation. The visitors, the spiritual as well as the secular, have 'power and authority' from him. They are his officials. In his, in the elector's name, the representatives of the congregations are instructed what is their duty with regard to the external order as well as to faith." ("Hier tritt der Kurfuerst als derjenige auf, der kraft seiner Befugnis als Landesherr die Visitation anordnet und durchfuehrt. Die Visitatoren, die geistlichen wie die weltlichen, haben 'Gewalt und Befehl' von ihm. Sie sind seine Beamte. In seinem, in des Kurfuersten Namen wird den Vertretern der Gemeinden angezeigt, was ihre Pflicht ist, sowohl hinsichtlich der aeusseren Ordnung als auch hinsichtlich des Glaubens.") The italics in my translation of Holl's words have been supplied in order to indicate the parts which have to be considered as a verbatim agreement between Spitz and Holl. Slight differences in the wording are due to the choice of a different term in the translating. (cf. also supra, footnote 662, p. 277)

671. Ibid., p. 133

672. Ibid., p. 132

PRINCE".[673] SPITZ' INTERPRETATION SIMPLIFIES MATTERS CONSIDERABLY AND WOULD RENDER AN EXTREMELY USEFUL SERVICE TO THE STUDY OF LUTHER - IF ONLY IT COULD BE SUPPORTED BY A DETAILED EXEGESIS ALSO OF THE MORE DIFFICULT PASSAGES IN LUTHER'S PREFACE. SPITZ HOWEVER DOES NOT ENGAGE IN THIS LABORIOUS TASK. AFTER QUOTING FROM THE PREFACE, HE SUMMARILY DECLARES:

> "CLEARLY THIS DOCUMENT DESCRIBES THE WHOLE MOTIVE AND METHOD OF THE VISITATION PROGRAM IN A WAY ENTIRELY CONSONANT WITH LUTHER'S CLEAR EXPRESSIONS ON THE RELATIONSHIP OF CHURCH AND STATE PREVIOUSLY CONSIDERED." [674]

IN THE END, THIS PROTECTION OF LUTHER AGAINST THE CHARGE OF SELF-CONTRADICTION CAN BE MAINTAINED BY SPITZ ONLY IN THE SAME MANNER AS IT HAD BEEN DONE BY HOLL, NAMELY THROUGH THE ELIMINATION OF THE PROBLEM OF A PUBLIC ECCLESIASTICAL AUTHORITY ON THE ASSUMPTION THAT LUTHER WAS ESSENTIALLY NOT INTERESTED IN A VISIBLE CHURCH, BUT IN AN INVISIBLE KINGDOM OF GOD.[675]

LUTHER'S POSITION IN 1528.

THE THESIS OF LUTHER'S SILENT PROTEST AGAINST THE TERRITORIAL CHURCH GOVERNMENT OF THE PRINCE CANNOT BE SUBSTANTIATED ON THE BASIS OF THE AVAIL-

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673. IBID., P. 132

674. IBID., P. 132

675. IBID., P. 135F: "HIS [LUTHER'S] CONCERN WAS PREDOMINANTLY THEOLOGICAL AND HIS EFFORTS WERE DIRECTED TOWARD THE ADVANCEMENT OF THE KINGDOM OF GOD, THE CHURCH INVISIBLE. THE IMPRESS UPON HIS THEORY OF THE NEW TESTAMENT HAS BEEN TOO LITTLE CONSIDERED, NOT BY WAY OF AN INTEREST ON HIS PART IN MERELY REPRISTINATING THE STRUCTURE OF THE PRIMITIVE CHURCH, BUT IN TERMS OF THE IMPACT OF THE EVANGEL ON HIS ECCLESIOLOGICAL THINKING. THIS CHURCH ORDER OFFERED THE LEAST HINDRANCE TO THE GOSPEL AND WAS THE MOST CONSONANT WITH THE WAY OF LOVE. ... THIS GREAT EMPHASIS UPON THE SPIRITUAL INNER LIFE OF THE CHURCH AND ITS CLOSE RELATION THROUGH THE MEANS OF GRACE WITH THE BECOMING, VISIBLE, CHURCH CONGREGATIONS, MILITATED AGAINST AN EXTERNALIZED FORMAL CONCEPT OF A CHRISTENDOM INVOLVING A CHRISTIAN AUTHORITY AND A CHRISTIAN CHURCH."

able evidence, and even less the thesis of a frank and outspoken protest. Nevertheless, Holl was not entirely misled by his instinct. It can be shown that Luther endorsed the church government of the prince with a significant qualification. However the demonstration of this point will have to give more consideration to Luther's position within the context of the entire church than is done by Holl, in addition to the analysis of the available texts.

In the preface to the visitation book, Luther discloses his strong interest in the restoration of the bishop's office which he had briefly mentioned in the "Open Letter to the Nobility" of 1520 and elaborated in detail in the tract "On Ministry" for the Bohemians of 1523. Now in 1528 this concept has obviously been discussed again in Wittenberg. After an eloquent description of the need for an episcopal ministry of visitation,[676] Luther turns to a justification of the electoral church visitations. At this decisive turning point we find the following revealing passage:

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676. WA 26, 196, 33: "For who can relate how useful and necessary such an office is for the Christian people? One can see it at the damage which has come out of it since the time when it declined and was perverted. After all, neither any teaching nor any walk of life has remained right or pure, but instead as many abominable factions and sects have arisen as there are foundations and monasteries, whereby the Christian Church has been suppressed and faith has been extinguished, love has been changed into quarrel and war, the gospel has been hidden under the bushel, and nothing has held sway but human works, teachings, and dreams in place of the gospel." ("Denn wer kan erzelen, wie nuetz und not solch ampt ynn der Christenheit sey? Am schaden mag mans mercken, der draus kommen ist, sint der zeit es gefallen und verkeret ist. Ist doch kein lere noch stand recht odder rein blieben, sondern dagegen so viel grewlicher rotten und secten auff komen, als die stifft und kloester sind, dadurch die Christliche kirche gar unterdruckt gewest, glaube verlosschen, liebe ynn zanck und krieg verwandelt, Euangelion unter die banck gesteckt, eitel menschen werck, lere und trewme an stat des Euangeli regirt haben.")

> "... we too would have liked very much to see the same episcopal and visitorial office again established as it is most badly needed. But since none of us was called to it or had a definite commission for it and Saint Peter does not want to have anything done among the Christian people unless one be sure that it is God's business, none [of us] dared to undertake it before the other." 677

It is precisely this sentence that "none of us dared to undertake it before the other" which poses the puzzle and which also contains the clue to the answer. Luther's defense of his position, "that none of us was called to it or had a definite commission for it", is not convincing. He himself had explained to the Bohemians the specific steps in which such a public commission was to be obtained in full accordance with the principle of ecclesiastical authority which he had consistently followed up to this point. None of the Lutheran pastors would have been under the necessity of usurping the ministry of a bishop in his own name. As Luther had said in 1523, the election by ballot through a general assembly of the churches in the area would easily have supplied the public and scriptural authority for one or several Lutheran churchmen to assume this responsibility. While we may feel a certain sympathy for the personal aversion with which the Wittenberg reformers may have looked down upon a career in church administration in exchange for their life as preacher-theologians, still such a personal disinclination was hardly a sufficient reason for delegating this important responsibility to the elector, who certainly had no scriptural authority for this business and moreover who in the recent struggles for the church property had exhibited no outstanding

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677. WA 26, 197, 15ff: "... hetten wir auch dasselbige recht Bischoflich und besucheampt als auffs hoehest von noeten gerne widder angericht gesehen, Aber weil unser keiner dazu beruffen odder gewissen befeln hatte, und S. Petrus nicht wil ynn der Christenheit etwas schaffen lassen, man sey denn gewis, das Gottes geschefft sey, hat sichs keiner fuer dem andern thueren unterwinden."

qualifications for such an office. The concrete question that needs to be asked here is therefore: Why did Luther at this critical turning point not apply to his own situation the solution of a general assembly of churches which he had so strongly recommended to others five years ago?

There can be no doubt, Luther simply begs the question at this point. The sentence "none of us dared to undertake it before the other" must, however, be read in connection with the other sentence of the preface "until God the Holy Spirit may begin something better through it [the visitation] or through us".[678] When the two sentences are seen together, an understanding opens up which perhaps does not justify the discrepancy in Luther's argument in strictly theological terms, but which explains it within the particular circumstance of these years. Luther is biding his time. He does not expect the emergency measure of the visitation program to harden into a permanent establishment, despite the creation of the new office of the district superintendent. Already on October 12th, 1527 Luther had advised the elector:

> "Neither can one arrange everything at once as it really should go. It is nothing but the sowing of the seed. ... For to establish order and to maintain established order are two things quite different."[679]

Even eleven years later Luther could not consider the elector as anything but an "interim bishop" when encouraging the Saxon church visitors to use their own judgment in the removal of unqualified preachers without involving the

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678. WA 26, 200, 20f: "... bis das Gott der heilige Geyst bessers durch sie odder durch uns anfahe."

679. Luther's letter to Elector John of October 1527 in de Wette 3, 211: "Auch kann mans nicht alles auf einmal stellen, wie es gehen soll. Es ist nichts damit, denn der Samen geworfen; ... Denn Ordnung stellen und gestellete Ordnung halten sind zwei Ding weit von einander."

elector.[680] Luther had no reason to assume that the "seed sown" by the visitation program would grow into the Lutheran State Church in Saxony, which lasted four hundred years and did not come to a first collapse until the end of World War I in 1919, and to its final destruction in 1945. His appeal to the elector is intended as a call for help, however not only born out of the confusion of the turbulent years after the peasants' revolt. It is also based on the confidence that the engagement of the prince in the church government would come to a quick end.

Within the circumstances of the year 1528 Luther's expectation was not at all unreasonable. A radical change in the order of the entire community of believers seemed to be imminent. The Diet of Speyer in 1526 had brought the answer of the German nobility to Luther's "Open Letter" of 1520. "... the German leaders were ... united in their desire to have religious peace restored by a general Christian Council."[681] Under the pressure of the Turkish advance, the Diet had done more than to transfer the territorial church government temporarily to the princes.

> "With the Catholics and Lutherans united on this point [the pledge of a council], ... Ferdinand ... promised that, subject to Charles' approval, a council would be called within eighteen months."[682]

True enough, the council had not been called within these eighteen months. But the events which the year 1527 had brought were, measured by Luther's

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680. Luther's letter to the Saxon church visitors of March 25th, 1539 in Dr. Martin Luther's saemmtliche Werke, Verlag Heyder & Zimmer, Erlangen, 1826ff, Vol. 55, p. 223: "... our most gracious lord, who apart from this is only our interim bishop because no other bishop is willing to help us ..." ("... unsern gnaedigsten Herrn, der ohn das als unser einiger Nothbischoff, weil sonst kein Bischoff uns helfen will ...") (WA Br Nr. 3313)

681. Fischer-Galati, op. cit., p. 56

682. Ibid., p. 57

CRITERIA, FAR MORE THAN ANYTHING A GENERAL COUNCIL COULD HAVE ACCOMPLISHED. THE PAPAL OFFICE, IN THE FORM IN WHICH IT HAD EMERGED FROM THE GREGORIAN REFORMS, SEEMED TO BE COMPLETELY BROKEN. THE END OF LUTHER'S STRUGGLE AGAINST THE UNIMPEACHABLE OFFICE OF THE POPE WITH AN AUTHORITY HIGHER THAN THAT OF SCRIPTURE SEEMED TO BE WITHIN CLOSE REACH. AFTER CLEMENT VII HAD BEEN ATTACKED BY THE ARMY OF ONE OF HIS ROMAN CARDINALS ALREADY IN 1526, THE IMPERIAL TROOPS SACKED ROME ON MAY 6TH AND TOOK THE POPE PRISONER ON JUNE 5TH, 1527 IN RETALIATION FOR THE MILITARY ALLIANCE WHICH CLEMENT VII HAD ORGANISED AGAINST EMPEROR CHARLES.[683] WHILE THE IMPERIAL MERCENARIES WERE ALLOWED TO PLUNDER THE ETERNAL CITY UNTIL NOVEMBER 1527, THE EMPEROR KEPT HIMSELF IN SPAIN, IMMERSED IN HIS NEGOTIATIONS WITH FRANCE. HE REFUSED ANY PERSONAL SHARE OF GUILT IN THE PILLAGE OF ROME, CLAIMING THAT HE HAD LOST CONTROL OVER HIS TROOPS, HOWEVER WITHOUT MAKING AN APPRECIABLE EFFORT TO RESTRAIN THEM.

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683. CHARLES V HAD INFLICTED A CRUSHING DEFEAT ON THE FRENCH IN THE BATTLE FOR THE ENTRANCE INTO ITALY AT PAVIA IN 1525. AS ARRESULT THE POPE FELT IT NECESSARY TO PROTECT HIMSELF AGAINST THE MILITARY POWER OF HABSBURG THROUGH THE LEAGUE OF COGNAC WITH THE KINGS OF ENGLAND AND FRANCE IN 1526. AT THIS, CLEMENT'S OLD RIVAL, CARDINAL POMPEO COLONNA, ATTEMPTED TO OVERTHROW CLEMENT BY CONQUERING ROME IN A SURPRISE ATTACK TOGETHER WITH HUGO DE MONCADA ON SEPTEMBER 20TH, 1526. SOME HOLD CHARLES V ULTIMATELY RESPONSIBLE FOR THIS PLOT; CF. JOHN E. LONGHURST: ALFONSO DE VALDES AND THE SACK OF ROME: DIALOGUE OF LACTANTIO AND AN ARCHDEACON, ALBURQUERQUE, NEW MEXICO, 1952, P. 5, N. 5. IN ANY CASE CHARLES V KNEW OF THE PLOT AND DID NOTHING TO AVERT IT. HANS SCHULZ: DER SACCO DI ROMA, KARLS V. TRUPPEN IN ROM, 1527-28, HALLESCHE ABHANDLUNGEN ZUR NEUEREN GESCHICHTE, ED. BY G. DROYSEN, HEFT 32, HALLE, 1894, P. 80, NOTE 1 QUOTES THE LETTER OF CHARLES V TO HUGO DE MONCADA OF JUNE 11TH, 1526 WITH THE INFORMATION OF COLONNA'S PLAN: "... HE WAS WELL DISPOSED TO THROW THE POPE OUT OF ROME AND TO TURN SIENA AS WELL AS FLORENCE AND SOME CHURCH STATES AGAINST HIS HOLINESS. SEEING THIS, WE HAVE ANSWERED ... THAT WE HAVE SENT YOU THERE WITH FULL POWERS FOR WHATEVER MAY HAPPEN IN ANY CASE ..." ("... EL TENIA BUENA DISPOSICION PARA ECHAR EL PAPA DE ROMA Y REVOLVER SENA Y AUN FLORENCIA Y ALGUNAS TIERRAS DE LA IGLESIA CONTRA SU SANTIDAD. Y VIENDO ESTO HAVEMOS RESPONDIDO ... QUE OS HAVEMOS EMBIADO ALLA CON AMPLISSIMO PODER PARA QUALQUIER COSA QUE SUCCEDIESE IN TODO EVENTO...")

"Charles' conduct is unexplainable", Hans Schulz comments. "He barely preserved the decorum and let things take their own course."[684] At the imperial court this disgrace inflicted upon the head of the church was regarded simply as an act of God's providence.[685] This was the same opinion expressed by the pamphlets which circulated in Saxony as well as elsewhere portraying and elaborating the exciting events:

> "A Word to the Pope:
> Since you have never honored God
> But always scoffed his healing Word,
> Have raised yourself with pomp and pride
> Above Him; and amassed beside
> From all the world its goods and gold
> And lies instead to us have sold,
> This vengeance now has brought you shame,
> You must endure scorn and disdain." [686]

In the truce which eventually was signed between the "Most Invincible and Most Serene Lord Charles, elected Emperor and Catholic King of the Spanish lands" and "Our Holy Father Clement VII" on November 26th, 1527,[687] the pope had to commit himself to a speedy calling of a general council of the entire church.

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684. Schulz, op. cit., p. 143f: "Karls Verhalten ist unerklaerlich - er wahrte notduerftig das Dekorum und liess den Dingen ihren Lauf."

685. Karl Brandi: Kaiser Karl V., Bruckmann, Muenchen, 6th edition, 1961, p. 217: "... but even these terrible events were interpreted at the court ... simply as the providence of God ..." ("... aber selbst diese furchtbaren Ereignisse deutete man am Hofe ... rein als Fuegung Gottes.")

686. This rhyme is a translation of the preface of a pamphlet on the sack of Rome which was sold in Dresden in September 1527, quoted by Hans Schulz, op. cit., p. 45:

> "Ein spruech an den Bapst.
> Druemb das du Gott nit hast gehort,
> Ja stetz veracht sein heylsams wort,
> Dich vber yhn mit stoltzem mutt
> Erhaben, all der welde gutt
> Zu dyr gerissen vnd gehaufft,
> Da fuer Dein luegen vns verkaufft,
> Genet vber dich itzt diese rach
> Vnd leydest schaden, schand, vnd schmach."

687. Schulz, op. cit., p. 177: "... Invictissimus et Serenissimus Dominus Carolus electus Imperator et Hispanarium Rex Catholicus. ... S.D.N. Clementem VII."

No doubt, in 1528 a general and free council was within very close reach. While Clement VII had every reason to fear the coming together of such an assembly, Luther had every reason to look forward to it; for within the circumstances of these years the pope had no longer the power to wield an effective control over it. The complete breakdown of any recognizable principle of authority in the church, which had become manifest beyond all doubt, would demand a frank and outspoken discussion of the order of the church. This the reformers knew, and they also knew that by now this discussion was no longer demanded only by them. Besides them there were also the emperor and the princes as well as a number of bishops on both sides of the Alps who looked toward a general council as the only practical means of restoring the order of the body of believers.

Here we find the answer to why none of the Wittenbergers "dared to undertake it before the other" right at that time, and why they rather appealed to the help of the prince until the time of such a general house cleaning of the entire church. The urgently needed emergency measures should be as transitory in character as possible. Therefore they should be administered by the elector rather than by evangelical bishops precisely for the reason that the prince could not claim a legitimate and thus permanent right for the episcopal office of visitation. With a further disintegration of Rome's power in sight it was a justified expectation that a good number of the existing bishops would want to restore their legitimate functions of a visiting ministry free from the controls imposed by the Roman curia and therefore would be inclined to accept the scriptural principles of authority set forth by the reformers. This was the hope which Luther had not given up all these years, and this hope was the reason for which he wanted at that time not necessarily the

PRINCE BUT NOTHING MORE THAN AN "INTERIM BISHOP" AS THE ADMINISTRATOR OF THE CHURCH IN AN AREA. BUT THE PRINCE FILLED THIS ORDER BETTER THAN ANYONE ELSE. A FULLY DEVELOPED MINISTRY OF EVANGELICAL BISHOPS, ENTITLED AND OBLIGED TO CLAIM FOR THEIR MINISTRY FULL EQUALITY WITH THE ROMAN COLLEAGUES WOULD HAVE PUT A SERIOUS OBSTACLE TO THE RESTORATION OF A FELLOWSHIP WITH THE MANY CHRISTIANS STILL UNDER THE CRUMBLING RULE OF THE POPE. FOR THIS REASON LUTHER DID NOT WANT TO PLAY OUT HIS FULL HAND AND REFRAINED FROM APPLYING TO HIS SITUATION IN 1528 THE SOLUTION WHICH HE HAD ADVOCATED TO THE BOHEMIANS IN 1523.

WITH THE SURE PROSPECT OF AN IMMINENT COUNCIL LUTHER'S MIND HAD TURNED TO A POSSIBLE UNION WITH THE CHRISTIAN BRETHREN WHO HAD NOT FOLLOWED HIM IN HIS BREAK WITH ROME. TO BE SURE HE DID NOT TIRE IN HIS RELENTLESS ATTACKS ON THE PAPAL OFFICE AS THE RULE OF ANTI-CHRIST EVEN THEN. BUT THESE ATTACKS HAD NOW A NEW DIRECTION. THEY WERE MEANT TO PROVE NOT THE WICKEDNESS OF THE OFFICE HOLDER AS MUCH AS THE FACT THAT THE CHRISTIANS, EVEN UNDER HIS RULE, HAD NOT BEEN SEPARATED FROM CHRIST THE LORD.

> "IF THE POPE THEREFORE (AS I CANNOT HELP BELIEVE) IS THE TRUE ANTI-CHRIST, THEN HE SHALL NOT SIT OR RULE IN THE DEVIL'S STABLE BUT IN GOD'S TEMPLE. NAY, HE WILL NOT SIT WHERE THERE IS NOTHING BUT DEVILS AND UNBELIEVERS, OR WHERE THERE IS NO CHRIST OR NO CHRISTIAN PEOPLE. FOR HE IS TO BE AN ANTI-CHRIST; THEREFORE HE MUST BE AMONG CHRISTIANS. AND SINCE HE IS TO SIT AND TO RULE AT THIS VERY PLACE, HE MUST HAVE CHRISTIANS UNDER HIMSELF." 688

IT MUST BE REMEMBERED THAT THE REFORMERS STILL KNEW INTIMATE PERSONAL FRIENDS IN THE ROMAN CHURCH WHOSE LIVES WERE AS GOOD A WITNESS TO CHRIST'S PRESENT

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688. LUTHER'S TREATISE "ON REBAPTISM TO TWO MINISTERS" OF 1528 IN WA 26, 147, 28FF: "IST NU DER BAPST (WIE ICH NICHT ANDERS GLEWBE) DER RECHTE ENDECHRIST, SO SOL ER NICHT SITZEN ODDER REGIERN YNN DES TEUFFELS STAL, SONDERN YNN GOTTES TEMPEL. NEIN, ER WIRD NICHT SITZEN, DA EITEL TEUFFEL UND UNGLEUBIGEN, ODDER DA KEIN CHRISTUS ODDER CHRISTENHEIT IST, DENN ER SOL EIN WIDDER CHRIST SEIN, DARUMB MUS ER UNTER DEN CHRISTEN SEIN. UND WEIL ER DASELBS SITZEN UND REGIERN SOL, SO MUS ER CHRISTEN UNTER SICH HABEN."

rule as their own. There had been a Staupitz who had been ready to follow together with Luther "the abandoned Christ" along the road of the cross, and yet had been unable to follow Luther in the open break with the pope. The problem which confronted Luther in 1528 was that of the "separated brethren" of our days, and his mind was immersed in it. He could not get away from the question of how to restore a visible communion with these Christians to whom he felt bound through the same Lord, the one baptism, the use of scripture, through prayer, ministry, and faith. At the same time when he wrote the preface to the visitation booklet, at the beginning of 1528, he also declared: 689

> "But we confess that under the papacy there is many a Christian good, yea, every Christian good, and that from this very place it has come even unto us. For we confess that under the papacy there is the true holy scripture, true baptism, true sacrament of the altar, true keys for the forgiveness of sins, true ministry of preaching, true catechism, such as the Lord's Prayer, Ten Commandments, the articles of faith. In the same manner he [the pope] in return acknowledges (although he condemns us as heretics) that with us and all heretics there is the holy scripture, baptism, keys, catechism, etc." 690

This recognition of the spiritual gifts to be found also in the Roman communion brought Luther into a position quite different from that of those radical reformers who by the ultimate single authority of direct divine inspiration condemned all Roman Catholics and gave witness to this radical break through a rebaptism. As we have seen, Luther by contrast limited himself to

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689. Cf. <u>supra</u>, p. 178, note 419

690. WA 26, 147, 13ff: "Wir bekennen aber, das unter dem Bapstum viel Christliches gutes, ia alles Christlich gut sey, Und auch daselbs herkommen sey an uns, Nemlich wir bekennen, das ym Bapstum die rechte heilige schrifft sey, rechte tauffe, recht Sacrament des altars, rechte schlussel zur vergebung der sunde, recht predig ampt, rechter Catechismus, als das Vater unser, Zehen gebot, die artickel des glawbens. Gleich wie er auch widerumb bekennet, das bey uns (wie wol er uns verdampt als ketzer) und bey allen ketzern sey die heilige schrifft, tauffe, schlussel, Catechismus etc."

THE INTERIM HELP OF THE PRINCE, ABSTAINING FROM THE FREE ELECTION OF BISHOPS THROUGH INDEPENDENT CONGREGATIONS IN THE EXPECTATION OF A POSSIBLE REUNION WITH THE CHRISTIANS OF THE ROMAN COMMUNION AT AN IMPENDING GENERAL COUNCIL. IN THE FOLLOWING YEAR 1529 IT WAS, ACCORDING TO BUCER'S TESTIMONY, THIS HOPE OF A CONCILIATION WITH THE CATHOLICS WHICH IN THE END ALSO OBSTRUCTED AN AGREEMENT WITH ZWINGLI ON INTERCOMMUNION AT THE MARBURG COLLOQUY. "LUTHER MOMENTARILY AGREED UNTIL MELANCHTHON INTERPOSED OUT OF REGARD FOR FERDINAND AND THE EMPEROR."[691]

THIS INTERPRETATION OF LUTHER'S IMPLICATION WITH THE STATE CHURCH CANNOT BE OFFERED AS A VINDICATION OF LUTHER. IT DOES NOT FILL THE LACUNA CLEARLY OPENED UP AT THIS POINT IN LUTHER'S POSITION. HE TREATED THE ANABAPTISTS IN THE SAME HAUGHTY MANNER OF A WHOLESALE CONDEMNATION FOR WHICH HE CRITICIZED THEM IN THEIR ATTITUDE TOWARD THE ROMAN CHRISTIANS. WHILE HE PAINSTAKINGLY SEARCHED FOR CHRIST'S PRESENCE HIDDEN UNDER THE PAPACY, HE WAS UNWILLING TO ADMIT THAT THIS PRESENCE OF CHRIST COULD ALSO BE FOUND AMONG THE RADICAL REFORMERS AND HAD SERIOUS DOUBTS WHETHER IT MIGHT BE FOUND EVEN AMONG THE FOLLOWERS OF ZWINGLI. WHILE HE WAS READY TO RECOGNIZE THE SCRIPTURE, BAPTISM, EUCHARIST, CHURCH DISCIPLINE, THE PREACHING, AND INSTRUCTION WHICH WERE USED BY THE ROMAN CATHOLICS ULTIMATELY AS TRUE SPIRITUAL GIFTS, HE WAS OF NO MIND TO EXTEND THE SAME PRIVILEGE TO THE SCRIPTURE, BAPTISM, EUCHARIST, DISCIPLINE, AND INSTRUCTION WHICH WERE USED BY THE "ENTHUSIASTS". THERE CAN BE NO DOUBT, ON THIS POINT THE BASE OF LUTHER'S ARGUMENT HAS SHIFTED. INSTEAD OF LETTING THE ORDER OF THE CHURCH BE DETERMINED BY AN UNCOMPROMISING CONFESSION OF CHRIST'S PRESENCE AS THE SOLE MEDIATOR BETWEEN GOD AND MAN, LUTHER HAS BECOME

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691. BAINTON, HERE I STAND, OP. CIT., P. 250

caught in future speculations about the expediency of his own cause. Let him who is without that sin be the first to throw the stone! True ecumenical encounter, however, which has the promise of overcoming the schisms among separate brethren, cannot take place at the expense of the witness to Christ's present reign. It demands from either side the complete personal commitment to Christ's Lordship as the only power which will hold us together.

The Diet of Augsburg in 1530.

The Diet of Augsburg brought the full disclosure of the intentions by which the Wittenberg reformers had been guided in their emergency measures begun under the questionable authority of the prince two years ago. Upon the express request of Emperor Charles the Lutheran laymen, princes and city representatives, presented a formal statement on the doctrine and order to be found among their churches, the "Augsburg Confession" written by Melanchthon. This document is to be regarded as anything but the infallible basis for the construction of a new separate denomination. As a confession to Christ's reign, it is first of all a confession to Christ's church, to the one, holy, catholic church. Its intention is to show "that in doctrine or ceremonies nothing is received amongst us that is contrary either to the holy scripture or to the catholic church."[692] In their answer to the emperor's request, the

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692. Bekenntnisschriften der evangelisch-lutherischen Kirche, op. cit., p. 134, 17ff: "... ut intelligi posset, in doctrina ac caerimoniis apud nos nihil esse receptum contra scripturam aut ecclesiam catholicam ..." cf. 1818., p. 83c, 7ff: "This nearly is the sum of the doctrine amongst us in which as one can see there is nothing which differs from the scriptures or from the catholic church or even from the Roman church ..." ("Haec fere summa est doctrinae apud nos, in qua cerni potest nihil inesse, quod discrepet a scripturis vel ab ecclesia catholica vel ab ecclesia Romana ...")

Evangelicals do not fail to point out that in their opinion the appropriate place of the discussion of church order is not the diet but a free general council of the church. In all devout obedience before His Imperial Majesty they hereby recommend themselves in this matter to such a general, free, Christian council.[693] At the same time they clearly announce also the price which they are prepared to pay for the unity of the church at such a council. If their churches are given sufficient guarantees for a protection of their confession of faith, they would be willing to accept the ministry of the existing bishops.

> "Our churches do not desire that the bishops will restore peace and unity with a loss in their honor and prestige. ... They only request that the bishops will remit some undue burdens. ... If however they will not do this and will despise this request, then they may begin to think about the answer which they will have to give to God on this account, since with such hardness of theirs they give cause to division and schism which they duly should help prevent."[694]

There is no reason to doubt the sincerity of this offer which was made from the strong position which the Protestants had gained in the meantime. It is true, in the peace treaty of Barcelona of June 29th, 1529, pope and emperor had pledged again to take joint measures against the heretics. But the terms of this agreement had been left sufficiently vague. Charles wanted first to see for himself what the situation in Germany was. Before too long he began

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693. Ibid., p. 48, 23ff

694. Ibid., p. 132, 4ff: "Unsere Kirchen begehren nicht, dass die Bischofen mit Nachteil ihrer Ehre und Wuerden wiederumb Fried und Einigkeit machen, ... allein bitten sie darum, dass die Bischofen etlich unbillige Beschwerung nachlassen, ... Wenn sie aber solches nicht tun werden und diese Bitte verachten, so mogen sie gedenken, wie sie deshalben Gott werden Antwort geben muessen, dieweil sie mit solcher Haertigkeit Ursach geben zu Spaltung und Schisma, das sie doch billig sollen vermuten helfen."

TO PRESS THE POPE FOR A COUNCIL AGAIN.[695] THUS THE PROTESTANTS IN AUGSBURG WERE NOT UNDER ANY HARDER PRESSURE THAN THEIR OPPONENTS TO PLEAD FOR A BARGAIN. THE ODDS VERY MUCH SEEMED TO BE EVEN, DANGEROUSLY SO. THE SPREAD OF THE REFORMATION HAD DIVIDED THE POLITICAL FORCES INTO TWO EQUAL CAMPS WHICH WERE LIABLE TO CLASH AGAINST EACH OTHER IN OPEN CONFLICT AT ANY TIME.

NOBODY WAITED AS EAGERLY FOR NEWS FROM THE DIET AS DID LUTHER WHO AS AN OUTLAW WAS NOT PERMITTED TO ATTEND THE ASSEMBLY IN PERSON AND WHO HAD ESTABLISHED HIMSELF AT THE CASTLE OF COBURG ALREADY ON APRIL 23RD. HE HOPED VERY MUCH THAT THE THREAT OF A CIVIL WAR OVER THE RELIGIOUS ISSUE WOULD PERSUADE THE POLITICAL AND ECCLESIASTICAL LEADERS TO SEEK FOR A "MODUS VIVENDI" WITH EACH OTHER. UPON HIS ARRIVAL AT THE CASTLE HE HAD BEGUN WORK ON A LONG ADMONITION TO THE PRELATES ASSEMBLED IN AUGSBURG. THREE WEEKS BEFORE THE FORMAL PRESENTATION OF THE AUGSBURG CONFESSION THE FIRST FIVE HUNDRED COPIES OF THE TRACT CAME OFF THE PRESS AND WERE IMMEDIATELY SOLD OUT.[696] LUTHER REVIEWS ONCE MORE THE ENTIRE CONTROVERSY WHICH HE HAS CAUSED FROM THE STRUGGLE ABOUT THE INDULGENCES UP TO THE PRESENT MOMENT. THEN HE DIRECTS A FORCEFUL APPEAL TO THE ASSEMBLED BISHOPS TO RESTORE AND TO MAINTAIN THE EPISCOPAL OFFICE OF CHURCH ADMINISTRATION WHILE PERMITTING HIM AND THE OTHER PREACHERS THE FREEDOM OF A PUBLIC PROCLAMATION BASED IN THE AUTHORITY OF SCRIPTURE ALONE. HE INSISTS: "FOR WE HAVE SO FAR NOT TAKEN AWAY FROM YOU THIS YOUR AUTHORITY; YOU YOURSELVES HAVE LET IT DECLINE."[697] BUT NOW THEIR OFFICE HAS COME INTO THE GREATEST JEOPARDY.

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695. BRANDI, OP. CIT., PP. 230, 253F

696. WA 30, II, 237

697. WA 30, II, 382, 10: "SO HABEN WIR AUCH BIS HER EUCH SOLCHEN ZWANGK NIE GENOMEN, YHR HABT YHN SELBS LAS SEN FALLEN."

> "God gives you grace, space, time, and occasion at this diet through our most gracious lord, Emperor Charles, to work and accomplish many great and good things if only you are willing ... 'Behold, now is the acceptable time; behold, now is the day of salvation' [II Cor. 6:2], most of all for you yourselves. ... for it can and will not continue any longer as it has in the past, particularly with you yourselves, your office, and your conditions. This you know and sense even better than I can say." 698

He pleads with the bishops to keep the peace and to stop the persecution of the Lutheran churches.[699] In return he makes the following offer:

> "You may establish the episcopal authority again (provided that you leave us the gospel free). Then I for my part will confidently give my help and support that you may retain part of the episcopal office. Of the two parts of the episcopal office you would thus have one, in the manner that we and the preachers will proclaim the gospel in your stead and that you will help to administer this [service] with episcopal authority." 700

At the end of July, one month after the public presentation of the Augsburg Confession, another writing from Luther's pen was sold in Augsburg, an open letter to Cardinal Archbishop Albert of Mainz in which Luther appealed to

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698. WA 30, II, 269, 1: "Gott, gibt euch gnade raum zeit vnd vrsache durch vnsern aller gnedigsten herrn keiser Carolo mit diesem Reichtag, viel vnd gros guts zu schaffen vnd auszurichten so yhr allein wollet ... Sehet itzt ist eine angeneme zeit vnd ein tag des heils, fur euch am aller meisten. ... Denn es kan vnd mag lenger so nicht stehen, wie itzt stehet, sonderlich mit euch selbs vnd mit ewrem stande vnd wesen, das wisset vnd fulet yhr besser, denn ich euch sagen kan ..."

699. WA 30, II, 341, 8ff: "... we are willing to let you remain what you are ... Alone keep the peace, and do not persecute us! We are not asking for more and have never asked for more than for the free Gospel. Thus you can help us and we can help you toward a common peace." ("... wollen wir euch lassen bleiben was yhr seid. ... Allein halt doch friede, vnd verfolget vns nicht. Wir bitten ia nicht mehr, haben auch nie anders gebeten, denn umbs frey Euangelion yhr kund vns vnd wir euch zum friden helffen.")

700. WA 30, II, 342, 3: "... kund yhr den bisschofflichen zwanck widder anrichten (so fern yhr vns das Euangelion frey lasset) da wil ich fur mein teil auch getrost zu helffen vnd raten, auff das yhr doch ettwas bisschofflichs ampts auch haben muegt, Vnd also hettet yhr denn zwey stuck bisschofflichs ampts Eines, das wir vnd die prediger, an ewr stat, das Euangelion lereten, das ander, das yhr hulfft solchs hand haben mit bisschofflichem zwangk."

THE MOST PROMINENT AND HIGHEST PRELATE TO TAKE THE INITIATIVE IN ESTABLISHING PEACE AMONG THE VARIOUS CHURCHES IN GERMANY.

> "MAY GOD GRANT THAT YOUR ELECTORAL GRACE, OR WHOEVER ELSE, BE ABLE NOW TO BE A GAMALIEL WHO WILL PROPOSE TO THE OTHERS SUCH A COUNSEL OF PEACE AND WILL PERSUADE THEM ... AFTER ALL, THIS [OUR] DOCTRINE DOES NOT DO ANY DAMAGE TO YOU BUT KEEPS AND TEACHES PEACE AND LETS YOU REMAIN WHAT YOU ARE." 701

LUTHER WAS PERFECTLY SINCERE IN HIS OFFER. HIS APPEALS TO THE PRELATES EXPRESSED PRECISELY THE HOPES WHICH HAD GUIDED HIM SO FAR IN THE EMERGENCY MEASURES OF ESTABLISHING A TEMPORARY CHURCH ORDER. BUT HE MADE HIS OFFER IN AN ATMOSPHERE FILLED WITH HOSTILE TENSIONS. WITH THE THREAT OF A CIVIL WAR IN THE AIR, THERE WAS NO REASON TO PUT ONE'S CONFIDENCE IN THE WORDS OF THE OTHER SIDE. THERE WAS EVEN LESS REASON FOR THE BISHOPS TO STAKE THEIR ENTIRE EXISTENCE ON LUTHER WHO MADE NO SECRET OUT OF HIS FEELING THAT HE HAD THEM WITH THEIR BACKS AGAINST THE WALL. THE IMPLICATIONS OF THIS OFFER OF PEACE WERE PLAIN. ACCEPTANCE WOULD HAVE MEANT FOR THE PRELATES COMPLETE DEPENDENCE UPON CONGREGATIONS OF PEOPLE, STILL FERMENTING WITH THE UNREST OF THE LAST REVOLT, AND NOW MOREOVER FREED FROM THE AWE AND RESPECT OF A SACRED HIERARCHY. WHILE THE HOPE FOR A GENERAL COUNCIL STILL LIVED ON, THE DIET ENDED IN BITTER CONTROVERSIES AND AN EXCHANGE OF THREATS BETWEEN THE TWO CAMPS. THE TWO CONFESSIONS HAD HARDENED INTO TWO HOSTILE POLITICAL BLOCKS. FROM THEN ON THEY "STOOD OVER AGAINST EACH OTHER, POISED FOR CONFLICT". 702

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701. WA 30, II, 402, 4FF: "WOLT GOTT, E.K.F.G. KUNDT, ODDER WER ES WERE ITZT AUCH EIN GAMALIEL SEIN, DER SOLCHEN RAT DES FRIDES DEN ANDERN FURSCHLUGE VND SIE BEREDETE, ... SCHADET DOCH SOLCHE LERE EUCH NICHT, HELLT SIE DOCH FRIDE VND LERET FRIDE, LESST EUCH BLEIBEN, WAS YHR SEID."

702. BAINTON, HERE I STAND, OP. CIT., P. 254

Seven years later, in 1537, after the danger of civil war had been temporarily staved off from one precarious truce to the next, Luther once more expressed his readiness to accept the existing bishops as the administrators of the churches. When Pope Paul III finally appointed the council for May 23, 1537 at Mantua, Luther wrote in preparation for this assembly so long hoped for:

> "If the bishops would be true bishops and would take care of the churches and of the gospel, then it might be tolerated for the sake of love and unity but not out of necessity that they would ordain and confirm us and our preachers, however on the condition that there will be no pretence and humbug of an unchristian conduct and pomp." 703

Not until it became evident to the Wittenberg reformers that the proposed council would not be held at all, or if being held, would no longer provide for a mending of the ruptured order of the entire church,[704] was the original concept of creating evangelical bishops taken up in earnest. But by then the elector's grip on the life of the territorial church had already become too firm. On January 2nd, 1542, Nicolaus von Amsdorf was ordained by Luther as the first evangelical bishop in Germany in the bishopric of Naumburg. However the efforts of the reformers to fashion Amsdorf's office into an instrument for the exercise of an ecclesiastical authority independent from the

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703. "The Smalcald Articles" in Bekenntnisschriften der Evangelisch-Lutherischen Kirche, op. cit., p. 457, 7ff: "Wenn die Bischofe wollten rechte Bischofe sein und der Kirchen und des Evangelions sich annehmen, so mochten man das umb der Leebe und Einigkeit willen, doch nicht aus Not das lassen gegeben sein, dass sie uns und unsere Prediger ordinierten und konfirmierten, doch hindangesetzt alle Larven und Gespenste unchristlichs Wesens und Gepraenges."

704. Cf. the expressions of disappointment over the failure of convening the appointed council in Luther's "On the Councils and the Churches" of 1539; Philadelphia Edition, Vol. V, p. 131: "The whole world has cried and waited for it; the good emperor and the whole empire have been working for it for about twenty years; and the pope has always held out false hopes, and held off, and constantly offered it to the emperor, like a bit of bread to a dog, until he saw his time; then he raps him on the muzzle, and mocks him, as though the emperor were his fool and jumping jack."

STATE WERE DOOMED TO FAILURE. PETER BRUNNER HAS TO CLOSE HIS EXAMINATION OF AMSDORF'S EPISCOPAL MINISTRY WITH THIS CONCLUSION:

> "THE CIRCUMSTANCES IN WHICH AMSDORF HAD TO CARRY OUT HIS EPISCOPAL OFFICE DID NOT POINT TOWARD THE FORMATION OF THE OFFICE OF AN EVANGELICAL BISHOP. FOR THIS, THE DEPENDENCE UPON THE TERRITORIAL LORD HAD BECOME ALREADY TOO STRONG. ... WAS THIS BISHOP OF NAUMBURG ... IN EFFECT NOT A PROMINENT SUPERINTENDENT, THE SUPERINTENDENT OF THE CHAPTER, A GENERAL SUPERINTENDENT WHO, COMMISSIONED BY HIS TERRITORIAL LORD AND CONSTANTLY DEPENDENT UPON HIS DECISIONS, ADMINISTERED A CERTAIN PORTION OF THE TERRITORIAL CHURCH? ONE CAN HARDLY REGARD AMSDORF'S BISHOPRIC IN ANY OTHER MANNER."[705]

LUTHER HAD BECOME INVOLVED WITH THE ONE POWER IN HIS TIME WHICH EVENTUALLY WAS TO PROVE ITSELF STRONGER THAN EMPEROR, POPE, BISHOPS, OR ANY OTHER FORCE,- THE TERRITORIAL PRINCES ON THEIR IRRESISTIBLE ASCENDENCE TO COMPLETE AUTOCRACY. BEFORE TOO LONG THE CHURCH RULE OF THE PRINCES TURNED INTO A FIRM AND PERMANENT ESTABLISHMENT WHICH KEPT THE CHURCHES CAPTIVE WITHIN THE CONFINES OF A NARROW PROVINCIALISM, AND SOON BECAME THE GREATEST OBSTACLE FOR THE FEW REMAINING OPPORTUNITIES OF COMMUNICATION FROM ONE SIDE TO THE OTHER.

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705. BRUNNER, OP. CIT., P. 157: "DIE BEDINGUNGEN, UNTER DENEN AMSDORF SEIN BISCHOFSAMT FUEHREN MUSSTE, WIESEN NICHT AUF DIE AUSGESTALTUNG EINES EVANGELISCHEN BISCHOFSAMTES HIN. DAZU WAR DIE ABHAENGIGKEIT VOM LANDESFUERSTEN BEREITS ZU GROSS. ... WAR DIESER BISCHOF VON NAUMBURG ... IM GRUNDE NICHT EIN HERVORGEHOBENER SUPERINTENDENT, DER STIFTSSUPERINTENDENT, EIN GENERALSUPERINTENDENT, DER IM AUFTRAG SEINES LANDESHERREN UND IN STAENDIGER ABHAENGIGKEIT VON SEINEN ENTSCHEIDUNGEN EINEM BESTIMMTEN TEIL DER LANDESKIRCHE VORSTAND? MAN WIRD DAS BISTUM AMSDORFS KAUM ANDERS ANSEHEN KOENNEN."

CONCLUSION

The answer to our initial question concerning the consistency and development of Luther's principle of ecclesiastical authority can be summarized in the following manner: When Luther's relationship to the visible church is examined during the period which begins with the years preceding his break with Rome, a consistent application of the same principle of ecclesiastical authority can be observed in Luther for the period from 1512 to about 1525.

During his break with Rome as well as in the preceding years of his first church reforms, Luther is led in his teaching and his personal decisions by the principle of Christ's present rule as the sole mediator between God and man. The implication for the structure of the church is a functional order of a basically congregational polity. The lives of all church members, their words and actions, are defined as a witness to the present and living Lord who alone possesses the plenitude of authority among them. It is a congregational order however which does not seek to abrogate any of the existing gifts and offices in the church. Rather it seeks to define and limit them by the rule of plurality by which each function is made dependent upon the other in service to the present Lord. There is no other singular authority on which all are dependent but that of the scriptural testimony to Christ. Papal, conciliar, episcopal, and pastoral functions are therefore not abolished but defined as functions in the service of the present Lord which arise from the congregation of Christ under the rule of the scriptural testimony.

A new emphasis however can be observed in the emergency measures taken after the peasants' revolt in 1525. While Luther continued to profess adherence to the same principle of ecclesiastical authority, there is a new element

IN ITS APPLICATION TO THE CONCRETE SITUATION WHICH IS NOT IN AGREEMENT WITH THE ORGANISATIONAL STRUCTURE IMPLIED BY THIS PRINCIPLE. AN UNLIMITED SINGULAR AUTHORITY IS GRANTED TO THE TERRITORIAL LORD AS A TEMPORARY SOLUTION UNTIL THE TIME OF A GENERAL COUNCIL.

THE INTERPRETATION PRESENTED IN THIS STUDY AGREES ESSENTIALLY WITH THAT OF KARL HOLL WHO ON THE BASIS OF HIS INVESTIGATIONS INTO THE EARLY LUTHER ASSERTED THAT LUTHER DEFENDED THE INDEPENDENCE OF THE CHURCH FROM THE STATE, ALTHOUGH WE CANNOT AGREE WITH HOLL THAT THE REFORMER DID SO WITHOUT ANY INCONSISTENCIES. ON THE OTHER HAND OUR INTERPRETATION IS BOUND TO DIFFER FROM THE RESULTS OF THE GREAT NUMBER OF LUTHER STUDIES WHICH BEGIN THE EXAMINATION OF LUTHER'S RELATIONSHIP TO THE VISIBLE CHURCH NOT BEFORE THE TIME OF THE INDULGENCE CONTROVERSY AND THE PUBLICATION OF THE NINETY-FIVE THESES IN 1517. BYPASSING THE CATHOLIC PERIOD OF THE YOUNG LUTHER THEY COME ON THE WHOLE TO THE CONCLUSION THAT LUTHER DID NOT MAKE A SIGNIFICANT CONTRIBUTION ON THE SUBJECT OF CHURCH ORDER. WHAT HE SAID ON POLITY, DISCIPLINE, CHURCH GOVERNMENT AND ADMINISTRATION IS FOR THEM NOT PART OF THE DOCTRINAL CORE OF HIS CONTRIBUTION BUT MUST BE UNDERSTOOD AS CONDITIONED BY HIS SPECIFIC SITUATION, I.E. AS A REJECTION OF THE FALSE AUTHORITIES INVOKED BY ROME ON THE ONE SIDE AND BY THE RADICAL REFORMERS ON THE OTHER SIDE.

IN THE END LUTHER'S REFORM OF THE CHURCH WAS UNABLE TO REMAIN DISENGAGED FROM THE POWER WHICH THE TERRITORIAL LORDS HAD GAINED IN THE ADMINISTRATION OF THE CHURCHES. TO BE SURE THIS POWER OF THE PRINCES WAS NOT LUTHER'S INVENTION. IT HAD STEADILY GROWN FOR MORE THAN A CENTURY AS A RESULT OF THE BREAKDOWN OF ECCLESIASTICAL AUTHORITY IN THE GREAT SCHISM AND OF THE SUBSEQUENT DECLINE OF THE EPISCOPAL MINISTRY OF VISITATION AND SUPERVISION DUE TO THE EFFORTS OF RESTORING AN UNLIMITED SUPREMACY FOR THE PAPAL OFFICE. BUT LUTH-

ER'S LIAISON WITH THE TERRITORIAL LORDS, EVEN THOUGH IT WAS MEANT ONLY AS A TEMPORARY MEASURE UNTIL THE TIME OF THE RESTORATION OF THE EPISCOPAL OFFICE THROUGH A GENERAL COUNCIL, TURNED OUT TO BE A HEAVY BURDEN FOR THE FURTHER DEVELOPMENT OF THE LUTHERAN CHURCHES.

THE PENETRATING QUESTION, WHICH OUT OF GENUINE LOVE RATHER THAN OUT OF A HIDDEN HOSTILITY DISTURBS MANY NON-LUTHERANS AND IN OUR DAYS ALSO MANY ROMAN CATHOLICS, MUST BE DIRECTED IN ALL FRANKNESS TO LUTHER HIMSELF AND NOT MERELY TO HIS SPIRITUAL DESCENDANTS:

> "FROM WHERE DOES THE 'CONSTITUTIONAL CALAMITY', SO FREQUENTLY LAMENTED, ORIGINATE IN THE LUTHERAN CHURCH? ... FROM WHERE SO MANY INCOMPREHENSIBLE CONTRADICTIONS PARTICULARLY IN THE CONCEPT OF THE OFFICE WITHIN THE ONE LUTHERAN CHURCH: THE EXTERNAL LEGAL FORM IS FOR THE CHURCH IMPORTANT - UNIMPORTANT; ECCLESIASTICAL OFFICE NECESSARY FOR THEOLOGICAL REASONS - FOR SOCIOLOGICAL REASONS; INSTITUTION OF THE OFFICE GOES BACK TO CHRIST - GOES BACK TO THE CHURCH; THE EPISCOPAL OFFICE IS REQUIRED IN THE CHURCH - IS NOT REQUIRED; EPISCOPAL OFFICE <u>DE IURE DIVINO</u> - <u>DE IURE HUMANO</u>. ... A GREAT DEAL OF PATIENCE IS DEMANDED FROM THE CATHOLIC THEOLOGIAN EVEN IF HE IS TO WORK HIS WAY ONLY THROUGH PART OF THIS JUNGLE OF OPINIONS CONTRADICTING ONE ANOTHER. ... DID LUTHER HAVE A THEOLOGICAL SENSE AT ALL FOR WHAT IS A <u>SPIRITUAL OFFICE</u>?" 706

IT COULD BE POINTED OUT THAT "THE JUNGLE OF OPINIONS CONTRADICTING ONE ANOTHER" IS NOT AT ALL A MONOPOLY HELD BY LUTHER, THE LUTHERANS, OR THE PROTESTANTS IN GENERAL. IS THIS JUNGLE NOT EVEN MORE TO BE FOUND AMONG THE SPOKESMEN FOR THE INFALLIBLE TEACHING OFFICE OF THE CHURCH IN THE CENTURY PRECEDING LUTHER'S

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706. KUENG, <u>OP. CIT.</u>, P. 135F: "WOHER KOMMT DENN INNERHALB DER LUTHERISCHEN KIRCHE DER OFT BEKLAGTE 'VERFASSUNGSJAMMER?' ... WOHER ALSO INNERHALB DER EINEN LUTHERISCHEN KIRCHE DIE SO UNBEGREIFLICHEN WIDERSPRUECHE GERADE IM AMTSVERSTAENDNIS: AEUSSERE RECHTSGESTALT FUER DIE KIRCHE WESENTLICH - UNWESENTLICH; KIRCHLICHES AMT NOTWENDIG AUS THEOLOGISCHEN - AUS SOZIOLOGISCHEN GRUENDEN; EINSETZUNG DES AMTES GEHT AUF CHRISTUS - GEHT AUF DIE KIRCHE ZURUECK; BISCHOFSAMT IN DER KIRCHE ERFORDERT - NICHT ERFORDERT; BISCHOFSAMT DE IURE DIVINO - DE IURE HUMANO ... ES WIRD DEM KATHOLISCHEN THEOLOGEN ZIEMLICH VIEL ZUGEMUTET, WENN ER SICH AUCH NUR EIN WENIG DURCH DEN WIRRWARR DER SICH GEGENSEITIG WIDERLEGENDEN MEINUNGEN DURCHARBEITEN SOLL. HATTE LUTHER UEBERHAUPT EINEN THEOLOGISCHEN SINN FUER DAS, WAS <u>GEISTLICHES AMT</u> IST?" (ITALICS ARE KUENG'S.)

VIGOROUS PROTEST AGAINST THE ENDLESS CONTROVERSIES OVER THE SUPREMACY OF THE POPE OR A COUNCIL? IS IT NOT EQUALLY BAFFLING TO LEARN IN OUR DAYS THAT THE INTERPRETATIONS OF THE INFALLIBILITY DOGMA WHICH SINCE 1870 HAVE BEEN GIVEN BY THE OFFICIAL REPRESENTATIVES OF THE CHURCH'S MAGISTERIUM HAVE IN EFFECT CONTRADICTED THE TRUE THEOLOGICAL SENSE OF THIS DOGMA WHICH HAS NOT BEEN UNFOLDED AND INTERPRETED CORRECTLY UNTIL THE COMING OF THE SECOND VATICAN COUNCIL? BUT WHAT WOULD BE ACCOMPLISHED THROUGH A DEFENSE OF LUTHER'S ECCLESIOLOGY WHICH DOES NOT GO FURTHER THAN THAT?

WHILE THE EXCHANGE OF POLEMICAL QUESTIONS CANNOT BE DISPENSED WITH, AN ECUMENICAL ENCOUNTER WHICH IS RESTRICTED TO THE SPORT OF FINGER POINTING WOULD ULTIMATELY NOT FREE US FROM THE SITUATION OF THE AUGSBURG DIET WHEN TWO PARTIES, ARMED TO THE TEETH AS SELF-STYLED DEFENDERS OF THE SAME LORD JESUS CHRIST, WERE ENTRENCHED IN IRRECONCILABLE HOSTILITY TO EACH OTHER.

LUTHER CANNOT BE ACQUITTED FROM THE CHARGE OF HAVING CONTRIBUTED, ALBEIT UNWILLINGLY, TO THIS IRONICAL SITUATION. THROUGH THE APPEAL FOR A TEMPORARY HELP FROM THE ELECTOR, LUTHER HIMSELF HAD CURTAILED AND PREJUDICED THE POWER OF THAT PRINCIPLE WHICH HE HAD INVOKED IN HIS BREAK WITH THE PAPAL OFFICE. WHAT HAD BEGUN AS A REFORM OF THE CHURCH INCREASINGLY TURNED INTO A STRUGGLE OF THE POLITICAL POWERS. THE CHURCH'S UNITY OF FAITH AND ORDER, DOCTRINE AND DISCIPLINE, BELIEF AND PRACTICE WHICH WAS INTENDED BY LUTHER'S PRINCIPLE OF AUTHORITY BROKE APART BEFORE TOO LONG. THE ATTEMPT TO VINDICATE LUTHER FROM THE CHARGE OF SELF-CONTRADICTION AT THIS POINT HAS TO BE PAID FOR ULTIMATELY WITH AN EXORBITANTLY HIGH PRICE, NAMELY WITH THE REDUCTION OF LUTHER'S FULL CONCEPT OF THE CHURCH TO THE PAROCHIAL DEFENSE OF DENOMINATIONAL SELF-RIGHTEOUSNESS. IT IS FOR THE SAKE OF THAT FULL LIFE OF THE CHURCH WHICH LUTHER HIMSELF

PREACHED, TAUGHT, AND TESTIFIED THAT HIS WITNESS MUST NOT BE ALLOWED TO REMAIN SILENT EVEN IF IT MUST BE DIRECTED AGAINST A NUMBER OF HIS OWN INCONSISTENCIES.

THE STATE CHURCH WHICH IN LUTHER'S LIFETIME HAD BEGUN AS AN EMERGENCY SOLUTION HAS HAD ITS CHANCE TO FLOWER, GROW INTO FULL MATURITY AND DIE IN OUR CENTURY IN TWO WORLD WARS. WITH THE DISMISSAL OF THE SAME TERRITORIAL LORDS IN 1919 WHO IN THE SIXTEENTH CENTURY HAD BECOME THE SUPREME BISHOPS IN THE PROTESTANT CHURCHES IN GERMANY AND WITH THE DRASTIC DIVISION OF GERMANY IN 1945, THE GERMAN STATE CHURCHES HAVE BEEN DISMANTLED IN THEIR ORGANISATIONAL FORM AND IDEOLOGICAL CONTENT BEYOND THE HOPE OF REPAIR. THE EXHORTATIONS AGAINST THE DANGERS OF A LIAISON WITH THE POLITICAL POWERS HAVE LOST THEIR POINT. THE DANGER TODAY IS RATHER THAT OUT OF LOYALTY TO A MISTAKEN HERITAGE OF THE REFORMATION EMERGENCY MEASURES IN THE PROBLEMS OF CHURCH ORDER, SPIRITUAL DISCIPLINE, AND CONCRETE ACTION ARE RAISED TO THE STATUS OF A PRINCIPLE FOR THE JUSTIFICATION OF THE DISORDER IN THE ECCLESIASTICAL STRUCTURES, OF A NOTORIOUS LACK OF SPIRITUAL DISCIPLINE, AND OF A COMPLETE INACTIVITY OF THE CHURCH MEMBERS. IN THIS OTTO WEBER CAN LEGITIMATELY CLAIM THE SUPPORT OF LUTHER WHEN HE RAISES A PASSIONATE PROTEST AGAINST THE FICTION OF A "PEOPLE'S CHURCH" (VOLKSKIRCHE) WHICH IS IGNORED BY THE PEOPLE BY THE HUNDREDS AND THOUSANDS, AND WHICH IN FACT HAS TURNED INTO A NONDESCRIPT CHURCH FOR A NONDESCRIPT MASS:

> "WHAT IS NEEDED ON THE ONE HAND IS THAT FAITH WHICH ACCEPTS THE CHURCH-THE CONCRETE LOCAL CONGREGATION AS IT IS ASSEMBLED UNDER THE WORD - TRULY AS THE CHURCH OF JESUS CHRIST AND WHICH THEREFORE 'BELIEVES' ABOUT HER SOMETHING DIFFERENT FROM WHAT IT 'SEES'; - AND WHAT IS NEEDED ON THE OTHER HAND IS THAT FAITH WHICH CONSTANTLY ASKS THE SAME CONGREGATION WHETHER IT KNOWS WHAT IT IS AND DOES, THE FAITH WHICH BEING OBEDIENCE

TAKES EACH LOCAL CONGREGATION SERIOUSLY AS CHURCH. WHERE ONE OF THE TWO SIDES IS MISSING, THERE THINGS ARE OUT OF ORDER; FAITH TURNS THEN EITHER INTO IDEALISM OR ILLUSION." 707

THE UNITY OF DOCTRINE AND ORDER WHICH IS DEMANDED BY LUTHER'S CONFESSION OF CHRIST AS THE SOLE MEDIATOR BETWEEN GOD AND MAN CAN THUS BE DESCRIBED AS A CATHOLIC CONGREGATIONALISM. IT IS CATHOLIC IN THAT IT CALLS FOR ACCEPTANCE OF THE LOCAL CONGREGATION AS SOMETHING MORE THAN AN ARBITRARY ASSOCIATION OF INDIVIDUALS, NAMELY AS THE FULL AND VALID REPRESENTATION OF THE UNIVERSAL CHURCH OF JESUS CHRIST. SINCE IT IS THE LIVING LORD WHO REIGNS WHERE MEN ARE GATHERED FROM DISUNITY INTO UNITY THROUGH THE OUTWARD AND INNER TESTIMONY OF THE HOLY SPIRIT, THE ASSEMBLED CONGREGATION CANNOT BE REGARDED BY THE HOLDERS OF THE PUBLIC OFFICE AS SPIRITUALLY IMMATURE AND NOT OF AGE. IT DOES HAVE THE RIGHT AND POWER TO CALL AND ELECT ITS MINISTERS AND TO ORDER ITS MINISTRY, BUT IT DOES NOT HAVE THE RIGHT TO EXERCISE THIS POWER FOR ITSELF AND BY ITSELF WITHOUT CONSTANTLY SEEKING THE CONSENSUS OF THE TOTALITY OF ALL BELIEVERS. LUTHER'S CONCEPT OF THE CHURCH'S UNITY IN DOCTRINE AND ORDER IS ON THE OTHER HAND CONGREGATIONAL IN THAT IT CALLS FOR ACCEPTANCE OF THE WORLDWIDE CHURCH AS SOMETHING MORE THAN AN ABSTRACT IDEA DIVORCED FROM TIME AND SPACE, NAMELY AS THAT BODY WHICH IS CONSTITUTED AND PUT IN FORCE IN THE CONCRETE EVERYDAY LIFE IN WHICH THE MANY CONGREGATIONS LIVE IN OBEDIENCE TO THE PRESENT LORD UNDER

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707. OTTO WEBER: VERSAMMELTE GEMEINDE, BUCHHANDLUNG DES ERZIEHUNGSVEREINS, NEUKIRCHEN, 1949, P. 173: "ES BEDARF EINERSEITS DES GLAUBENS, DER DIE KIRCHE, DIE KONKRETE OERTLICHE GEMEINDE IN IHREM VERSAMMELTSEIN UNTER DEM WORT WIRKLICH ALS KIRCHE JESU CHRISTI ANNIMMT UND ALSO ETWAS ANDERES VON IHR 'GLAUBT', ALS ER 'SIEHT'; - UND ES BEDARF ANDERERSEITS DES GLAUBENS, DER DIESE NAEMLICHE GEMEINDE STAENDIG DANACH FRAGT, OB SIE AUCH WISSE, WAS SIE IST UND TUT, DER ALS GEHORSAM JEDE OERTLICHE GEMEINDE ALS KIRCHE ERNST NIMMT. WO EINES VON BEIDEN FEHLT, DA GEHT ES NICHT RECHT ZU; DER GLAUBE WIRD DANN ENTWEDER IDEALISTISCH ODER ILLUSIONAER." (ITALICS ARE WEBER'S.)

THE GUIDANCE OF THE SCRIPTURAL TESTIMONY. IT THEREFORE DOES NOT REJECT THE SERVICE OF A POPE AS A REPRESENTATION OF THIS WORLDWIDE COMMUNITY OF BELIEVERS AT ALL COST; BUT IT REJECTS PAPACY WHICH CLAIMS THE EXCLUSIVE RIGHT OF THIS REPRESENTATION "OUT OF ITSELF, AND NOT BY CONSENSUS OF THE CHURCH".[708]

THE GENERAL COUNCIL WHICH LUTHER AWAITED WITH IMPATIENCE AND WITHOUT SUCCESS DURING THE MOST DECISIVE TWO DECADES IN HIS MINISTRY HAS IN THE MEANTIME BEEN HELD. IF IN 1530 THE PAPAL OFFICE @OULD HAVE HAD THE STRENGTH TO SUMMON THE PROTESTANT REFORMERS TO PRESENT THEIR VIEWS AT THE SECOND VATICAN COUNCIL INSTEAD OF LETTING THE CONTROVERSY OVER THE REFORM SLIDE TO AN IMPERIAL DIET OF THE POLITICAL RULERS IN GERMANY, IT IS CONCEIVABLE THAT FOUR CENTURIES OF RELIGIOUS WARS AND DENOMINATIONAL QUARREL MIGHT HAVE BEEN AVOIDED. THE LIST OF DEFINITIONS SET FORTH BY VATICAN II WHICH RESEMBLE THE PRINCIPLES OF THE PROTESTANTS THEN IS TOO LONG TO RELEGATE THIS THOUGHT COMPLETELY TO THE REALM OF UNHISTORICAL SPECULATIONS AND BREAMS. THERE IS THE DEFINITION OF THE CHURCH AS "THE RULE OF CHRIST WHO IS ALREADY PRESENT IN A HIDDEN MANNER" WHILE "THE UNITY OF THE BELIEVERS WHICH CONSTITUTE THE ONE BODY IN CHRIST IS REPRESENTED AND EFFECTIVELY PUT IN FORCE IN THE SACRAMENT OF THE EUCHARISTIC BREAD",[709] OR THE CONFESSION THAT "WE HAVE ONLY ONE MEDIATOR, ACCORDING TO THE WORDS OF THE APOSTLE: 'FOR THERE IS BUT ONE GOD, ONE MEDIATOR BETWEEN GOD AND MEN, THE MAN JESUS CHRIST ...'[I. TIM. 2:5-6]," WHOSE "SOLE MEDIATION IS NOT TO BE OBSCURED OR DIMINISHED " BY ANYTHING, NOT EVEN BY "THE MATERNAL

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708. CONSTITUTION "DE ECCLESIA CHRISTI" OF 1870 IN DENZINGER, OP. CIT., NR. 1839, P. 508: "EX SESE, NON AUTEM EX CONSENSU ECCLESIAE"

709. CONSTITUTION "DE ECCLESIA" OF 1964, ART. 3, IN CONCILIO VATICANO II, OP. CIT., P. 11: "ECCLESIA, SEU REGNUM CHRISTI IAM PRAESENS IN MYSTERIO. ... SIMUL SACRAMENTO PANIS EUCHARISTICI REPRAESENTATUR ET EFFICITUR UNITAS FIDELIUM, QUI UNUM CORPUS IN CHRISTO CONSTITUUNT."

MISSION OF MARY".[710] THE PRINCIPLE OF COLLEGIALITY AMONG THE BISHOPS IS REMINISCENT OF THE PRINCIPLE OF PLURALITY PROPOSED BY THE PROTESTANT REFORMATION;[711] THE CONCEPT OF AN INFALLIBILITY WHICH IS GIVEN TO THE TOTALITY OF BELIEVERS THROUGH NO OTHER MEDIUM BUT "THE SUPERNATURAL SENSE OF FAITH OF THE ENTIRE PEOPLE"[712] COMES VERY CLOSE INDEED TO LUTHER'S CONCEPT OF THE COMMON PRIESTHOOD OF BELIEVERS. THE DECREASE OF THE POWERS OF THE ROMAN CURIA IN FAVOR OF AN INCREASE IN THE EPISCOPAL POWERS IN THE INDIVIDUAL CHURCHES APPEARS TO BE A PARTIAL FULFILMENT OF LUTHER'S HOPE FOR A RESTORATION OF THE EPISCOPAL MINISTRY OF VISITATION AND ADMINISTRATION.

DOES VATICAN II MEAN THAT ROME HAS CAUGHT UP WITH THE PROTESTANT REFORMATION? NOT AT ALL; THERE IS ALSO A LONG LIST OF STATEMENTS WHICH ACCENTUATE THE DEEPLY CUTTING DIFFERENCES WHICH STILL SEPARATE THE BRETHREN ON BOTH SIDES, IN SPITE OF THE LOVE WHICH THEY INCREASINGLY EXPRESS FOR EACH OTHER. WHILE THE COMMON PRIESTHOOD OF BELIEVERS AND THE MINISTERIAL OR HIERARCHICAL MINISTRY ARE MUTUALLY RELATED TO EACH OTHER, THERE IS THE PRONOUNCED REAFFIRMATION OF THE OLD PRINCIPLE WHICH SEPARATES THE FUNCTIONS OF CLERGY AND LAITY NOT ONLY IN DEGREE BUT ALSO IN KIND.[713] ABOVE ALL, WHILE ALL THE OTHER FUNCTIONS IN THE CHURCH ARE DEFINED IN GREATER AND GREATER DETAIL, THE FUNCTIONS OF THE POPE REMAIN UNDEFINED AND THUS SEEM TO PARTICIPATE IN THE UNLIMITED

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710. CONSTITUTION "DE ECCLESIA" OF 1964, ART. 60, IBID., P. 109; CF. FORD LEWIS BATTLES: "JESUS CHRIST THE SOLE MEDIATOR BETWEEN GOD AND MAN", IN THE HARTFORD QUARTERLY, VOL. V, NO. 4, SUMMER 1965, P. 63

711. CONSTITUTION "DE ECCLESIA" OF 1964, ART. 22FF, IN CONCILIO VATICANO II, OP. CIT., PP. 44F

712. CONSTITUTION "DE ECCLESIA" OF 1964, ART. 12, IBID., P. 28: "MEDIANTE SUPERNATURALI SENSU FIDEI TOTIUS POPULI"

713. CONSTITUTION "DE ECCLESIA" OF 1964, ART. 10, IBID., P. 25: "... ESSENTIA ET NON GRADU TANTUM DIFFERANT, AD INVICEM ... ORDINANTUR ..."

realm of infiniteness. While the episcopal office has been amplified and more carefully delineated through new definitions, the sweeping pronouncement of Vatican I on papal infallibility "by itself and not out of a consensus of the Church" has remained unrevised. A more detailed definition of the pope's relationship to and his function in this newly structured church will therefore be necessary. Much will depend on it for a better understanding of his office by the Protestants.

Yet it is not for these reasons that the hour has not come for the return of Protestantism to Rome. This hour, dreaded and feared by many faithful in the Protestant tradition, has not come for the simple reason that it is not clear at all what precisely such a return would imply. Where is that Rome located to which the Protestants should or should not return? Is it Rome, Italy or Rome in Bradford County, Pennsylvania? The principle of Christ's sole mediatorship challenges us to seek and to take seriously the presence of the living Lord in those groups which are gathered here as well as there, in obedient response to the testimony which the Holy Spirit gives through the public proclamation of the scriptural witness and in the personal faith of the believer.

SOURCES AND THEIR TRANSLATIONS

USED IN THIS STUDY

APPENDIX I

The Address of Doctor Christoph Scheuerl at the Assembly of the Martinians in September of 1511 in Berlin.

PREFACE

In the dispute over the monastic reforms the Martinians were that group of Franciscans who held a middle position between the conventuals and the observants. This address urges them to give up their independent point of view and join the observants. We present extensive parts of it, since it is a rare piece of evidence for the far-reaching influence which the Christian prince as the "father of his people" exercised in important decisions of the church at the eve of the reformation (cf. supra, p. 52, note 92). The text is quoted here from P. Dr. Ferdinand Doelle, O.F.M.: "Die Observanzbewegung in der saechsischen Franziskanerprovinz bis zum Generalkapitel von Parma 1529", Ref.St.u.T., op. cit., pp. 242-245.

THE LATIN TEXT

"... christiani principes Saxonie a Deo et cesare creditas sibi respublicas ita demum sancte prudenterque posse administrari ab ineunte etate sibi persuaserunt, si, que ad divinum cultum pertinent, bene constanterque peragerentur, si christiana religio augeretur, amplificaretur, si non modo populares, sed et religiosi sui sanctissime et absque proximi scandalo viverent, quare etiam almam religionem vestram ob vestra bene merita hucusque singulari prosecuti sunt gratia. ...

Cum igitur omnia vobis adsint, imprimis gratia Dei, consensus (ita enim informati sunt optimi principes) pontificis, voluntas cardinalium, protectoris, omnium maiorum vestrorum; qum vos vicariani avide expectent, qum vos invitent religiosissimi principes Saxonie, nolite, a fide sponte oblata et prestita ignominiose desiscere. Cogitate salutem vestram, fugite populi scandalum, facite ex necissitate virtutem, donate quod vender[e] non potestis, ...

THE ENGLISH TRANSLATION

"... THE CHRISTIAN PRINCES OF SAXONY HAVE COME TO THE CONVICTION THAT IN FUTURE THE ESTATES, ENTRUSTED TO THEM BY GOD AND THE EMPEROR, CANNOT BE ADMINISTERED IN A HOLY AND RESPONSIBLE MANNER UNLESS THOROUGH AND CONSTANT CONSIDERATION BE GIVEN TO WHAT PERTAINS TO CHRISTIAN WORSHIP; UNLESS THE CHRISTIAN RELIGION BE INCREASED AND EXPANDED; UNLESS NOT ONLY THEIR PEOPLE BUT ALSO THEIR MONKS LIVE SAINTLY AND WITHOUT OFFENSE TO THE NEIGHBOR. IN THIS MANNER THEY HAVE SO FAR PURSUED YOUR BENEFICIAL RELIGION TO YOUR OWN ADVANTAGE WITH A SINGULAR FAVOR. ...

SINCE HOWEVER EVERYTHING IS ON YOUR SIDE, THE GRACE OF GOD ABOVE ALL, THE CONSENT OF THE PONTIFF (FOR THIS IS THE INFORMATION WHICH THE GOOD PRINCES HAVE), THE GOOD WILL OF THE CARDINALS, OF THE PROTECTOR [OF THE FRANCISCANS], OF ALL YOUR SUPERIORS; SINCE THE 'VICARIANS' [=THE OBSERVANTS LIVING NOW UNDER THE VICAR] EAGERLY AWAIT YOU; SINCE THE MOST RELIGIOUS PRINCES OF SAXONY URGE YOU; DO NOT - I IMPLORE YOU, REVEREND FATHERS - ABANDON YOURSELVES DISGRACEFULLY IN SUCH A WONDERFUL OPPORTUNITY; DO NOT SHAMEFULLY TURN AWAY FROM A FAITH FREELY OFFERED AND HELD OUT [TO YOU]! CONSIDER YOUR SALVATION, FLEE THE SCANDAL BEFORE THE PEOPLE, MAKE A VIRTUE OUT OF THE INEVITABLE, GIVE WHAT YOU CANNOT SELL, ...!

QUOD SI FECERITIS, QUEMADMODUM VOS FACTUROS RELIGIOSISSIMI PRINCIPES NUNQUAM DUBITARUNT, FACIETIS REM PROCUL DUBIO DEO GRATAM, PRINCIPIBUS IUCUNDAM, HOMINIBUS ACCEPTAM ET VOBIS IPSIS SALUBERRIMAM, HABEBITIS PRINCIPES SAXONES, UT HUCUSQUE SINGULARI AFFECTU EXPERTI ESTIS, NON MODO PATRONOS, SED ET PARENTES. QUOD SI QUID DEERIT APUD PONTIFICEM, SENATUM APOSTOLICUM, MAIORES VESTROS, SI QUID ADHUC PLANUM NON EST, PRINCIPES AD LAUDEM DEI, AD INCREMENTUM ORDINIS VESTRI PRESTO ERUNT, IPSI PRO VIRILI SUA SESE VOBIS OFFERENT, IPSI PLANA FACIENT OMNIA. ...

SIGNIFICAMUS VOBIS, CLARISSIMOS PRINCIPES SAXONES APUD ITALOS ET GERMANOS AUCTORITATE PRESTANTES ET DE NULLO UMQUAM MENDATIO REDARGUTOS PROPTER VOS NOLLE LEVITATIS AUT VANITATIS REDARGUI, S[ED] QUAMPRIMUM, SI, QUOD ABSIT, A FIDE ABLA[TA] ET PRESTITA DISCESSERITIS, SESE APUD PONTIFIC[EM] EXCUSATORES ET OMNEM CULPAM IN TEM[E]RITATEM ET LEVITATEM [VESTRAM] (DABITIS VENIAM, [VO]BIS ITA ENIM NOS LOQUI, QUOD ABSIT, NECESSITAS COMPELLERET) CONIECTUROS.
QUOD SI DEINDE PATERNAM GRATIAM ET TUTELAM, QUE HUCUSQUE VOS FOVERUNT, OB DEMERITA VESTRA SUBTRAHENTES ALIO CONVERTERENT, ID POTIUS VOBIS PISIS QUAM CHRISTIANIS PRINCIPIBUS ADSCRIBENDUM IUDICABITIS. ...

... SI VOS DEFECERITIS, QUOD NON CREDIMUS, PRINCIPES PRO VIRILI CURATUROS, UT VOS, QUI PRINCIPATUS EORUM INHABITATIS, VELITIS NOLITIS, QUOD IUSTUM ET HONESTUM EST ADIMPLERE COGAMINI. HEC EST SUMMA, PROPTEREA VENIMUS. PRINCIPES SAXONES FREDERICUS SCILICET ET JOANNES DE RELIQUIS, VOS VIDERITIS, QUANTUM AD EOS ATTINET, DILIGENTER ELABORABUNT, UT, QUI EORUM DUCATIBUS SUBIECTI SUNT, QUE HONESTA, QUE IUSTA SUNT, PERFICIANT."

For if you will do it - which the most religious princes never doubted - you will do a work pleasing to God beyond any doubt, gratifying to the princes, acceptable to men, and most beneficial for yourselves. You will have the Saxon princes whose singular affection you have already experienced, not only as patrons but even as parents. For if ever something should be lacking before the pope, the apostolic senate, or your superiors, if ever something should not be smooth, the princes will be immediately at hand to further the glory of God and the growth of your order. For the sake of their own honor they will offer themselves to you. They will make everything smooth. ...

We want to point out to you that the most distinguished Saxon princes, who excel in authority both with the Italians and with the Germans and who never have been accused of falsehood by anyone, are not of a mind to be accused of fickleness and idle talk because of you. But as soon as you - far be it! - abandon the faith offered and held out [to you], they will excuse themselves before the pontiff and lay the whole blame upon your arbitrariness and carelessness. (You will make amends. Far be it! But necessity would compel us to tell you so.)
For if they then should withdraw the paternal favor and tutelage, which have kept you warm so far, because of your unworthiness and turn it to someone else, then in your own judgment you will have to put the blame on yourselves rather than on the Christian princes. ...

... If you should fail [them], which we do not believe, then the princes will look out for their honor so that you who live in their principality - like it or not - will be forced to fulfill whatever is just and honorable. This is the sum of the matter for which we have come: The Saxon princes - that is Frederic and John in particular, this you should know, as far as they are concerned - will diligently work toward the end that those who are subjects in their duchies will do what is honorable, what is just."

APPENDIX II

The Letter to Elector Frederic by the Martinians in Saxony.

PREFACE

After the plan of uniting the Martinians with the observants had failed in 1511, Elector Frederic began to apply the pressure on the Martinians by making preparations for transferring their monasteries to the vicar of the observants. In this letter the Martinians appeal to him for protecting their monastic way of life at least until a final decision has been reached by the Fifth Lateran Council on their future. (cf. supra, p. 53, note 95)

The letter was written in Torgau on July 18th, 1514, by eleven local Franciscan leaders, the custodians of Thuringia, Magdeburg, Meissen, and Leipzig, and the guardians of Wittenberg, Torgau, Zwickau, Koburg, Saalfeld, Altenburg, and Weida. It is quoted here from P. Dr. Ferdinand Doelle, O.F.M.: "Die Observanzbewegung in der saechsischen Franziskanerprovinz bis zum Generalkapitel von Parma 1529", Ref.St.u.T., op. cit.,p. 256f.

THE GERMAN TEXT

"Nachdem wir armen bruder, E.Kf.G. demutige capellan, in warheit undericht, wie E.Kf.G. eczlich closter unsers heiligen ordens ... in vorwandelung under den vicario durch bebstlich zculassung zcu brengen gesunt, sey wir gross nit unpillich pissher bekommert, szo wir in vornunfft ansehen, wass daraus uns zcu einer vorcleinung gutten geruchtes unsser heiligen provincie von Sachssen, hon und vorschimpfung unsser aller und ander dess vil posses erwachsen mochte ...

Sso wir doch kein gesstlich ordenung nach laude unsser heiligen regell fliehen, nach wegern wollen, und auch all gebrechen, in uns erfunden, im hochsten vleis zcu bessern alzeit bereidt sein. Vorhoffen auch, das unsser heiligster vater der babpst sampt dem gemeinen concilio zcu Rom sich muhen, das der ganz orden mit einem reformirten obersten generall minister vorsorgt werde.

Bitten hirumb ganz demutigklichen mit hochstem vleis E.Kf.G., alss unsser G. Gnedigsten herrn, vater und sunderlichen patron unsser closter und ganzn provintie von Sachssen ... durch angeborne gute und erbarmung solch voranderung nit vornemen, sunder unss in unsser lobelichen, seligen reformation und geistlickeit Martini dess heiligen vater dess V. Got mit fridessam gemute in sicherung zcu dinen genedigklichen schuczen, handhaben und enthalden und dysser unser supplication ... ein gnedigklich antwurt in schriefften geben ..."

THE ENGLISH TRANSLATION

"After we poor friars, humble curates of Your Electoral Grace, have received reliable information that Y.E.G. are of a mind with papal consent to bring several monasteries of our holy order by means of a transfer under the vicar of the observants, we are now not without cause deeply worried when we consider with prudence the disparagement of the good reputation of our holy province of Saxony, the despise and disgrace of us all as well as many other evils which may come from it ... For all that, we do not evade any spiritual regulation that is in agreement with our holy rule neither do we want to refuse any. And we are also always ready to correct whatever defects may be found in us. We also hope that our most holy father, the pope, together with the general council in Rome may take pains about providing the entire order with one reformed supreme general minister.

Therefore with greatest diligence we most humbly entreat Y.E.G. as our most gracious lord, father and special patron of our monasteries and of the entire monastic province of Saxony out of innate goodness and mercy not to carry through this change, but graciously to protect, guard, and preserve us so that we with a peaceful mind in safety may serve God in accordance with our honorable blessed reform and spirituality of the holy father Martin V ... and to give a gracious answer to this our supplication ..."

APPENDIX III

LETTER OF THE FRANCISCAN MONASTERY IN WITTENBERG TO ELECTOR FREDERIC.

PREFACE

THE PROGRESS WHICH THE OBSERVANTS COULD MAKE IN THE MONASTIC REFORMS IN SAXONY LED TO A STRICTER APPLICATION OF THE RULES OF POVERTY IN THE MONASTERIES AND THUS INEVITABLY TO AN INCREASE OF MENDICANCY IN THE TOWNS AND VILLAGES. MANY OF THE "REFORMED" FRIARS STRAYED WITHOUT CONTROL THROUGH THE COUNTRY AND TURNED INTO A SEVERE COMPETITION FOR THOSE MONASTIC COMMUNITIES WHICH PUT A GREATER STRESS ON THE COMMUNAL LIFE THAN ON THE STRICT OBSERVANCE OF ABSOLUTE POVERTY, AND WHICH THEREFORE WERE DEPENDENT UPON REGULAR SUBSIDIES FROM THE LOCAL POPULATION. (CF. SUPRA, P. 53, NOTE 96)

THIS LETTER IS A PETITION TO FREDERIC THE WISE BY THE FRANCISCAN MONASTERY IN WITTENBERG AND ITS GUARDIAN VITUS TO CURB THE UNCONTROLLED INVASION OF REFORMED FRIARS. IT WAS WRITTEN IN OR ABOUT 1514. A MORE EXACT DATING HAS NOT BEEN POSSIBLE. IT IS FOUND IN P. DR. FERDINAND DOELLE, O.F.M.: "DIE OBSERVANZBEWEGUNG IN DER SAECHSISCHEN FRANZISKANERPROVINZ BIS ZUM GENERALKAPITEL VON PARMA 1529", REF.ST. U.T., OP. CIT., P. 258F.

THE GERMAN TEXT

"WYR ARMEN BRUEDER BECLAGEN UNS AUCH UNSER NOTTE UND ARMUTES, WIE DAS UNS YCZUNDES MITT DYSER NAUEN WERLEDT VILL ABGEHE ANE DEN ALMUSEN, ALZO DAZ MIR BESORGEN, WO MIR VOR GEHALTEN DREYSIGE BRUEDER, DAS MIR NICHT WERDEN KUNDEN HALTEN CZWENCZIGK, SZO UNS DAS VOLCK NICHT MER GEBEN WILL UND MIR AUCH GARE NICHS INNECZUKOMEN HABEN, DAS EYENES GULDEN WERDT WER. AUCH KUNDEN MIR DAS DEM ARMEN VOLCK AUFF DEM LANDE NICHT VORDENCKEN, WENN MIR DAS SELBER BEKENNEN MUSSEN, DAS DAS ARME VOLCK BESCHWERDT WIRDT MIT VILEN BETTELMOENGEN INE E.KF.G. STADT UND DOERFFER. SZO MIR ABER ELEIN MIT DEN ANDERN RELIGIOSEN, E.KF.G. UNTERWORFFEN, BYTTEN MOECHTEN INE E.KF.G. STET UND DOERFFER, WELTEN MIR UNS ABER BESSER ENTHALDEN. ABER NUN KOMEN DIE BETTLERMOENGE VON HALLE, VON LEYPCZ, VON MEYDBURCHK, VON BRANDENBURCHK, VON DER DAME UND BYTTEN ALS GLEYCH MITT UNS INE ALLEN STETTEN UND DOERFFERN, E.KF.G. UNTERWORFFEN, DAS DEN DEM VOLCK CZU SCHWER WYRDT ..."

THE ENGLISH TRANSLATION

"We poor friars deplore our need and poverty since now with this new squeeze we lose much of our alms. Thus we are worried that while formerly we supported thirty friars we will not be able to support twenty since the people will not give us more and we have no income whatsoever worth a florin. Furthermore we cannot blame the poor people in the country - if we have to admit this ourselves; - for the poor people are burdened with many mendicant friars in the towns and villages of Your Electoral Grace. But if we would beg in the towns and villages of Y.E.G. together only with the other religious who are subject to Y.E.G., we would be able to support ourselves better. But now there come the mendicant friars from Halle, Leipzig, Magdeburg, Brandenburg, and from the [river] Damme and beg together with us in all the towns and villages, subject to Y.E.G., so that it becomes too much for the people ..."

APPENDIX IV

The "Grievances of the German Nation" Expressed by the Imperial Diet of Worms in 1521.

PREFACE

The "Grievances of the German Nation", which were presented to Charles V by the German princes at the imperial diet at which Luther had his hearing before the emperor, give a penetrating, although not unbiased, insight into the conditions which prevailed at that time in the German churches. (cf. supra, p. 59, note 114)

The text is not found in Carl Mirbt's first edition of the Quellen zur Geschichte des Papsttums, op. cit., which otherwise has been consistently used in this study. It is quoted here from the fourth edition of Mirbt's collection of sources which was published in Tuebingen, 1924, p. 259f.

THE GERMAN TEXT

"Item es werden die pfroenden Teutscher nation zu Rom etwan buchsenmaistern, falknern, pfistern, eseltreibern, stallknechten und andern untuglichen, ungelaerten und ungeschigkten personen verlihen und zu zeiten denen, die nit Teutsch gezungs seien; daraus erwechst, das sie pfronden nit selbs versehen und andern notdurftigen, armen priestern, die sich mit wennig benugen lassen und vil von inen absenz geben, zu versehen bevelhen; dardurch die armen laien jedes orts, zusambt mangel gaistlicher versehung, auch in zeitlichen hendeln von irem pfarrer alles trosts beraubt ... Es wurdet auch fur hochbeschwerlich geacht, das papstliche Heiligkeit taglich sovil indulgenz und ablass in Teutsch nation schicken, dadurch die armen ainfaltigen verfurt und durch behendigkait umb ir barschaft betoeret werden; ... Item das die pfarrer und ander gaistliche der merer tail mit leichtfertigen frauenpersonen und kindern haushalten und ain unerlich, widerwertigs leben furen, das iren pfarrleuten zu bosem exempel dienet, sie auch daraus leichtvertig werden. ... Item so je zu zeiten jemand dem pfarrer oder der kirchen schuldig und etwan aus armut nit bezahlen mag, derhalben umb zimlich zil bittet, dem werden die sacrament verhalten und damit gepeinigt, wiewol er nach gestalt der sachen vor seinem weltlichen richter furgenommen und billich da erortert sollt werden. ... Item so zwai in der unee sitzen, nemen die officiael gelt und lassen die geruet also in sunden und schanden umb ains jaerlichen zins willen bleiben; dessgleichen thun sie auch mit den wuecherern."

THE ENGLISH TRANSLATION

"THEREFORE THE BENEFICES OF THE GERMAN NATION ARE GRANTED IN ROME TO CERTAIN MASTER-GUNNERS, FALCONERS, BAKERS, DONKEY-DRIVERS, STABLE-BOYS, AND TO OTHER UNFIT, UNLEARNED, AND UNSUITABLE PERSONS, AND AT TIMES TO THOSE WHO ARE NOT OF THE GERMAN TONGUE; AS A RESULT THEY DO NOT LOOK AFTER THEIR BENEFICES THEMSELVES AND COMMAND OTHER NEEDY PRIESTS TO LOOK AFTER THEM, WHO ARE SATISFIED WITH LITTLE AND ARE OFTEN ABSENT FROM THEM; THEREFORE THE POOR LAY PEOPLE AT EVERY PLACE, IN ADDITION TO THE WANT OF SPIRITUAL CARE, ARE DEPRIVED OF ALL COMFORT FROM THEIR PASTORS ALSO IN THEIR TEMPORAL DEALINGS ... IT WAS ALSO CONSIDERED HIGHLY OFFENSIVE THAT PAPAL HOLINESS SENDS DAILY SO MANY INDULGENCES AND DISPENSATIONS INTO THE GERMAN NATION, THROUGH WHICH THE POOR SIMPLE PEOPLE ARE LED ASTRAY AND WITH AGILITY ARE DEPRIVED OF THEIR CASH; ... ALSO, THAT THE PASTORS AND OTHER CLERGY FOR THE LARGER PART KEEP HOUSE WITH FRIVOLOUS FEMALES AND CHILDREN AND LEAD A DISHONORABLE, OFFENSIVE LIFE WHICH SERVED AS A BAD EXAMPLE FOR THEIR PARISHIONERS SO THAT THEY TOO BECOME FRIVOLOUS AS A RESULT ... ALSO, WHEN AT TIMES SOMEBODY OWES SOMETHING TO THE PASTOR OR TO THE CHURCH AND CAN PERHAPS NOT PAY IT BECAUSE OF POVERTY AND THEREFORE ASKS FOR A DUE PERIOD OF GRACE, THE SACRAMENTS ARE WITHHELD FROM HIM AND HE IS HARRASSED FOR THIS ALTHOUGH ACCORDING TO THE NATURE OF THE ISSUE HE SHOULD BE DEALT WITH BY HIS TEMPORAL JUDGE AND DULY JUDGED THERE. ... ALSO WHERE TWO LIVE UNMARRIED TOGETHER, THE OFFICIALS ACCEPT MONEY AND THUS LET THE OFFENDERS REMAIN PEACEFULLY IN SIN AND SHAME FOR THE SAKE OF AN ANNUAL PENSION; THE SAME THEY DO ALSO WITH THE USURERS."

APPENDIX V

THE LEISNIG ORDER OF A COMMON CHEST

PREFATORY REMARKS

THE "ORDER OF A COMMON CHEST" WAS WORKED OUT BY THE PARISH IN LEISNIG IN CONSULTATION WITH LUTHER DURING THE FALL AND WINTER OF 1522 AND WAS PUBLISHED BY LUTHER IN THE SPRING OF 1523 WITH A PREFACE OF HIS OWN. THIS ORDER IS THE FIRST PLAN FOR THE ORGANISATION OF A LUTHERAN CONGREGATION, AND IT LACKS INDEED VERY LITTLE IN BEING A FULL CONSTITUTION IN THE MODERN SENSE OF THE TERM. SINCE HOWEVER IT DOES NOT GIVE CLEAR INSTRUCTIONS ON THE PRECISE BUSINESS PROCEDURES AND MOST IMPORTANTLY ON THE MAKING OF SUCH AMENDMENTS AS MIGHT BECOME NECESSARY WITH THE CHANGE OF TIMES AND SOCIAL CONDITIONS, IT SHOULD PROPERLY BE CALLED AN "ORDER" RATHER THAN A "CONSTITUTION".[1]

FOR THE MOST PART THE LEISNIG ORDER FAILED TO BECOME EFFECTIVE, DUE TO THE RESISTANCE OF THE LOCAL CITY COUNCIL AND THE RELUCTANCE OF ELECTOR FREDERIC OF SAXONY TO ARBITRATE IN THE LEGAL DISPUTE THAT AROSE BETWEEN CHURCH AND CITY. ALTHOUGH IT FAILED TO BECOME THE MODEL FOR THE ORGANISATION OF THE EMERGING LUTHERAN CHURCHES, THIS ORDER IS NEVERTHELESS A SOURCE OF PRIME IMPORTANCE FOR A HISTORICAL STUDY OF THE LUTHERAN CHURCH; IT REVEALS THE

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1. SEE SUPRA, P. 240

GOALS THAT WERE SOUGHT BY LUTHER AND HIS FOLLOWERS CONCERNING THE ORDER OF THE EMPIRICAL CHURCH IN THE EARLY PERIOD OF THE REFORMATION.

THE GERMAN TEXT IS FOUND IN VOLUME 12 OF THE WEIMAR EDITION OF LUTHER'S WORKS[2] AND IN HANS LIETZMANN'S EDITION OF THE WITTENBERG AND LEISNIG ORDER OF A CHEST.[3] TOGETHER WITH OUR TRANSLATION, WE SHALL PRESENT A PHOTOCOPY OF LIETZMANN'S EDITION, WHICH HAS BEEN COMPARED IN THE TRANSLATING WITH THE TEXT IN THE WEIMAR EDITION. WE SHALL LIMIT OURSELVES TO A TRANSLATION OF THE ACTUAL "ORDER OF THE CHEST" ALONE SINCE LUTHER'S PREFACE TO THE SAME HAS ALREADY BEEN TRANSLATED BY A.T.W. STEINHAEUSER IN THE PHILADELPHIA EDITION.[4]

WE NO LONGER POSSESS THE FIRST DRAFTS OF THE LEISNIG ORDER AND THEREFORE HAVE TO DEPEND UPON THE PRINTED COPIES WHICH WERE PUBLISHED IN 1523. THE ONLY HANDWRITTEN MANUSCRIPT, WHICH WAS FOUND IN THE ARCHIVE OF THE SUPERINTENDENT IN LEISNIG, MUST HAVE BEEN MADE AFTER THE PRINTED PUBLICATIONS SINCE IT ALSO CONTAINS LUTHER'S PREFACE OF 1523. KAWERAU IS HOWEVER OF THE OPINION THAT THE TITLE PAGE OF THE MANUSCRIPT GIVES THE ORIGINAL TITLE THAT WAS USED BY THE CONGREGATION FOR THE DOCUMENT: "BROTHERLY AGREEMENT OF THE COMMON CHEST OF THE WHOLE PARISH ASSEMBLY IN LEISNIG. JAN. 1, 1523."[5] THE COPIES WHICH WERE PRINTED UNDER LUTHER'S NAME IN 1523 HAVE AS TITLE: "ORDER OF A COMMON CHEST. ADVICE HOW THE SPIRITUAL GOODS ARE TO BE ADMINISTERED. MARTINUS LUTHER. 1523."[6]

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2. WA 12, 16FF

3. "DIE WITTENBERGER UND LEISNIGER KASTENORDNUNG", OP. CIT., PP. 11FF

4. PHILADELPHIA EDITION, VOL. IV, PP. 92FF

5. WA 12, 9: "BRUDERLICHE VOREINIGUNGE DES GEMEINEN KASTEN GANTZER EINGEPFARTEN VORSAMLUNGE ZU LEISNECK. 1.5.23."

6. IBID.: "ORDENUNG EYNS GEMEYNEN KASTENS. RADSCHLAG WIE DIE GEYSTLICHEN GUTTER ZU HANDELN SIND. MARTINUS LUTHER. M.D. XXIII."

THE GERMAN TEXT

grosse vbel wurden abgehen vnd aufhören. Das erste die betteler, dadurch viel schaden geschicht landen vnd leutten, an seel vnd gutt. Das ander, der grewliche mißbrauch mit dem bann, welcher fast nicht mehr thutt, denn die leutte marttert vmb pfaffen vnd münche gütter willen, wo nu die gutter ab weren, durfft man sölchs bannes nicht Das dritte, der leydige zinßkauff der gröstist wucher auff erden, welcher sich bis her gerumbt hatt allermeyst vnn geystlichen guttern, das er da selbst recht sey.

Wer aber dißem radt nicht folgen will, odder seynem geytz darynnen bässen, den lasse ich faren, weys wol das wenig annehmen werden, so ist myr gnug, wenn eyner odder zween myr folgeten, odder yhe doch gerne folgen wollten. Es mus die welt bleyben vnd satan der welt furst, ich hab gethan was ich kan vnd schuldig byn, Gott helff vns allen, das wyr recht faren vnd bestendig bleyben Amen.

Jnn dem nahmen der heilygen vngeteilten dreyfaldikeit Amen.

Wir Erbar manne, Radt, viertellmeister, Eldesten vnnd gemeine eynwonher der Stadt vnd dorffer[1] eingepfarter versamlunge vnd kirchspiels zu Leysneck. Nachdem durch die gnade des allmechtigen gotes, aus offenbarunge Christlicher Euangelischer schrifte, wir nicht alleyne eyn bestendigen glauben, sunder auch gruntlich wissenn, entpfangen, das alle ynnerliche vnd eusserliche vermogen der Christglaubigen, zu der ehre gottes, vnd liebe des nechsten eben Christen menschen[2], nach ordenunge vnd aussatzung[3] gotlicher warheit, vnd nicht nach menschlichem gutduncken, dienen vnnd gerichen sollen.

Bekennen vnd thun kund hierumb gegenwertiglich, Das wir fur vns vnd vnser nachkomen, nach gehabtem zeittigen rathe der gotlichen schrifftgelerten, diese nach folgennde bruderliche vereynigunge[4], zwischen vnsere gemeinsamkeitt, die ytzunt ist, vnd kunfftigk sein wirdet, treulich vnd vnuerrucklich gehaltenn zu werden, vffgerichtet vnd beschlossen haben. Nemlich

Bestellunge des pfarrampts.

2 Wir wollen vnd sollen, zu aller zeitt, vnser Christliche freyheit, soviill die bestellung vnnsers gemeinen pfarrambts, mit beruffung, erwellunge,

[1]) Die 'Ehrbar Manne' sind hier nicht wie sonst die ratsherrn, sondern die zum kirchspiel gehörigen adligen herrn, wie die unterschrift S. 24 zeigt. 'Viertellmeister' die vorsteher der vier zünfte der tuchmacher, bäcker, schuster, böttcher (s. S. 24). Die 'Aeltesten' sind die 'honoratioren'. Eingepfarrte Dörfer nennt das visitationsprotokoll von 1529 elf: Gorschmitz, Röda, Brösen, Tautendorf, Minckwitz, Meinitz, Neudörfchen, Dölen, Lichtenhain, Hasenberg, Liebgens Mühle (vgl. Nobbe in Mitteil. 7, 32 f.) [2]) Mitchristen [3]) auseinandersetzung [4]) übereinkunft d. h. diese kastenordnung

THE ENGLISH TRANSLATION

In the Name of the Holy Undivided Trinity. Amen.

We, the noblemen, the city council, the chairmen of the four guilds, the elders and common inhabitants of the city and villages of the parish assembly and district in Leisnig. After we have received by the grace of almighty God through the revelation of the Christian Evangelical scripture not only a steadfast faith but also a thorough knowledge that all inner and outward means of the Christ-believers are to serve and to contribute to the glory of God and to the love of the fellow Christians according to the order and discussion of divine truth and not according to human opinion,

We hereby confess and presently declare that after obtaining timely advice of the teachers of divine scripture we have established and decreed for us and our descendants this subsequent brotherly agreement, to be observed faithfully and steadily by our fellowship which is now and will be in future, Namely,

Appointment of the office of ministry.

2 With regard to the appointment of our common office of ministry through the calling, election, installation, and removal of our clergy-

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setzunge vnd entsetzunge, vnser selen sorger, alleyne zuuerkundigung des gottes worts vnd mitteilunge der Sacrament, belangen thut, nicht anders, dann nach aussetzung[1] vnd verordenung gotlicher Biblischer schrifte, handeln, vben vnd gebrauchen. Vnd vnn solchem Ertzgeistlichen furnemen, als die armen, einfeltigen, der gotlichen schrifftgelerten, bewerlichen, wollgegrunten[2] vnterweysung vnd ratschlage, vnn warer demutt gehorsamlichen[3], durch die gnade gottes vnderwurffen vnd gefolgig sein, wie wir des eyne klare verzeichnus bey vns, ynn vnser gemeynen verwarung haben vnd vnuerandert enthalden werden soll.

Vom anhoren gottlichs worts.

3 Wir wollen vnd sollen, auch ein yeder haußwirt vnd hawßwirtyn ynn vnserm kirchspiel, fur sich selbst auch seyne kinder, vnd hawßgesinde, dahin zuhalten aus Christlicher liebe verpflichtet sein, das heylsame, trostliche wort gottes, zu geordenten tagen vnd stunden, souill vns got gnade verleyet, [illegible]ulich anhoren, vnd zur besserunge einbilden[4].

men solely for the proclamation of God's Word and for the administration of the sacraments, we will and shall at all times practise, exercise, and use our Christian freedom in no other manner but according to the discussion and precept of the divine biblical scriptures. And in this very spiritual undertaking, we shall through the grace of God be subject and submissive, as those who are poor, simple, and in true humility obedient, to the proven and well founded instruction and advice of the teachers of divine scripture, concerning which we have a clear understanding amongst us in our common custody and are to preserve it without change.

About the hearing of the divine word.

3 We will and shall be obliged, every master and mistress of the house, out of Christian love to prevail upon oneself and upon one's children and servants, faithfully to hear and to absorb for one's correction the salutary comforting word of God at the regularly appointed days and hours as much as God's grace permits us to do.

(PAGE 12 CONTINUED)

Ehre vnd gebott gotes handthaben.

4 Vber der ehre gottes wollen vnd ſollen wir hawßwirte vnd hawßwirtynn, ſouil wir von gote gnade haben, ein yeder ynn ſeinem hawß, fur ſich ſelbſt, kinder vnd hawßgeſinde, veſtiglichen halten[5]. Offentliche gottes leſterunge, vbermeſſig zutrincken, hurerey, betriegliche toppel ſpiell[6], vnd andere ſunde vnd laſter, welche gotlichen gebotten geſtracks vnd wiſſentlich entkegen, mit ernſtem vleis verneiden, verhuten vnd weren. Ab[7] auch bey eynigem[8] vnſer gemeinſamkeit hyr ynne verhencknuß[9] oder vnfleis vermerckt wurde, ſall alßdan eine gantze eingepfarte verſamlunge gut fug vnd macht haben, ſich hirumb anzunemen, durch geburliche mittell, hulffe vnd zuthun der Obrigkeit, ſolchs zu wirdiger ſtraffe vnd ſeliger beſſerung zubringenn.

II Vermogen vorradt vnnd eynnahme zum gemeinen kaſten.

5 Vff das nun vnſer Chriſtlicher glawbe ynn welchem alle guter zeittlich vnd ewiglich von dem ewigen gott durch vnſern hern vnd ſeligmacher Chriſtum, aus lauttern gnaden vnnd barmhertzigkeit, erworben vnd vns mittgeteilet, tzu eigentlicher frucht der bruderlichen liebe, vnd die ſelbige liebe ynn die warheit vnd wercke der milden gutigkeit komen vnd gefurt werden mogen, Haben wir erſtgnante gemeyne eingepfarte verſamlunge, fur vns vnd vnſer nachkomen, ynn volkomener eynmutigkeit, ein gemeinen kaſten verordent, erhaben vnd vffgerichtet, verordenen, erheben vnd vffrichten, denſelbigen hiermitt gegenwertiglich ynn krafft dieſer vnſer bruderlichen vereynigunge, vff meynunge, maße vnd geſtalt, wie volgett.

Zu dem vermogen vnd vorrathe, ynn den gemeinen kaſten, ſollen dieße namhafftige ſtucke, zinße, guter, gerechtigkeiten, gelt vnd habe, allenthalben

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[1]) auseinandersetzung [2]) bewährten, wohlgegründeten [3]) gehorsam (adverb) [4]) einprägen [5]) uber — halten = schützen [6]) würfelspiel [7]) falls [8]) manchem [9]) nachlässigkeit

Observing God's glory and commandments.

4 We, the masters and mistresses of the houses, will and shall - as much as we can by the grace of God - firmly protect God's glory each one in his own house for himself, his children and servants, diligently shun, prevent, and hinder open blasphemy, excessive drinking, immorality, gambling, and other sins and vices which are in direct and known contradiction to the divine commandments. In case that with some of our community negligence and indifference should be noticed in this matter, a whole parish assembly shall then have the authority and power to take care of it and to bring it to the deserved punishment and salutary correction through proper means, help and the assistance of the [temporal] authorities.

II Means, supply, and acquisitions for the common chest.

5 So that now our Christian faith, in which all temporal and eternal goods are received and distributed from the eternal God through our Lord and Savior Christ by pure grace and mercy, may come and be directed to the proper fruit of brotherly love and this same love to the truth and works of charitable benevolence, we, the first-named general parish assembly, have ordered, set up, and established a common chest for us and our descendants in complete unanimity and hereby presently order, set up, and establish the same by virtue of this our brotherly agreement as to its purpose, measure, and form in the following manner.

To the means and supply in the common chest, the following specific stocks, rents, goods, titles, money, and property shall always be

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zu kauffe geſchlagen, eingeſamlet, gebracht, als ewig verwidembt[1] vnd einverleibt, ſein vnd bleyben.

Eyn nahme pfarrguter vnnd gerechtigkeitt.

6 Alle guter vnd gerechtigkeitt, Erblehen, Erb vnd gatter zinße[2], Erbgerichte[3], hawß, hoffe, garten, acker, wießen, vorrathe vnnd farende habe, nichts außgeſchloſſen, ſouill allenthalben zum pfarrhe vnnd ſeelſorgen Ambt, alhier bey vns, durch die anfengliche ſtiffter vnd volgende mehrer, dar zu gegeben, verordent, vnd vber vorwerte[4] zeitt gehorig vnd ynn gebrauch geweßen. Welche guter vnd gerechtigkeit allenthalb, wir eingepfarte verſamlunge, wes wir von wegenn vnnßers gemeinen pfarrambts, fugs vnd rechts, daran hetten oder gehaben mochten, zuerlangen. ynn allwege vnbegeben, furbehalten[5], ynnhalts[6] der handelung vnd abſchiede. derhalben zwiſchen dem Abtte zum Buch[7], vnd vns, yn Churfurſtlicher Canpelley vnnſers gnedigſtenn herrn des Churfurſten zu Sachſſen etc. ergangen. Vnd yn dieſem vnnſerm gemeinen kaſten fur handen ſeint, deßgleichen was zur Schulen vnnd kuſterey gehorig, auch ynn dieſen kaſten geſchlagenn.

Eynnahme gotshawß guter gerechtigkeitt.

7 Alle guter vnnd gerechtigkeit, Erblehn, Erb vnnd gatter zinße, Brucken zol[8], barſchafft, ſilberwerg, Cleinod, vorrath, farennde habe, Vnnd ſo allenthalben an gewiſſen vnd zufelligen[9] dingen, vnnſerm gots hawße zuſtendig, Sollen gantz vnnd gar, ſambt den brieuelichen vrkunden, verzeichnuſſen vnnd regiſtern daruber ſagende[10], Inn den gemeinen kaſten miteingetzogen ſein, vnnd bleybenn.

Eynnahme der vier altarlehen vnd ander ſtifftungen guter vnd gerechtigkeitt.

8 Die vier Altarlehen[11] ynn vnnſerm gots hawße, ſollen furthin, wan die

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[1]) gestiftet ('gewidmet') [2]) was 'gatterzinsen' sind, ist nicht ganz sicher: 'zinsen die man durch das hofgatter dem einnehmer reicht' [3]) 'erbgericht' ist der ertrag einer an einem grundstück erblich haftenden niederen gerichtsbarkeit [4]) frühere ('vorwärtse') [5]) was wir an diesen gütern für anrecht haben, dies zu erlangen allewege ohne verzicht, behalten wir uns vor [6]) entsprechend [7]) Das ende des XII jh. gegründete Cistercienserkloster Buch oder Ilgenthal, etwa eine stunde von Leisnig entfernt, hatte die lehnshoheit über die stadt lange gehabt, später wenigstens das patronat über die Leisniger pfarrkirche behalten; 1526 wurde es beim tode des abtes saecularisiert s. Altendorff in Mitteil. 5, 7 ff. Die Annalen des Klosters sind zusammengestellt von Hingst ebenda 5, 39 ff. 7, 1 ff. Kamprad s. 306 ff. [8]) 'brückenzoll' erhebt bisher offenbar die Matthäikirche auf der zu ihr führenden Muldenbrücke, deren unterhaltungspflicht ihr obliegt: sie besitzt auch eigene stiftungen für brückenreparaturen. Diese einkünfte samt der erhaltungspflicht sollen nun auf den gemeinen kasten übertragen werden; vgl. § 32 und Hingst in Mitt. 8, 71 ff. [9]) regelmäßigen und gelegentlichen einkünften [10]) diesbezügliche register [11]) sie betreffen je einen altar Corporis Christi, Annuntiationis Mariae, Conceptionis Mariae, Crucis, zu jedem gehörte ein kleriker, der in einem eigens dazu gestifteten hause wohnte und sein einkommen bezog: der bestdotierte altar Corporis Christi brachte jährlich 32 gulden 26 groschen 6 pfennige 1 heller ein; vgl. das Visitationsprotokoll Mitt. 7, 38 ff. und Haan, Mitt. 4, 60 ff. u. 9, 70

ACCUMULATED, COLLECTED, AND BROUGHT AS ETERNALLY BEQUEATHED AND INCORPORATED AND SHALL REMAIN SO:

Acquisition of parish goods and titles.

6 All goods and titles, hereditary fiefs, ground-rents and farm-fees ["gatter zinsse"?], hereditary feudal fees, houses, premises, gardens, fields, meadows, equipment and movable property, - nothing excluded - as have always been given and apportioned to the pastorate and office of ministry here amongst us through the original founders and their successors and as have from former times belonged to it and been in use for it. We, the parish assembly, reserve to ourselves the full claim- which we have or should possess by virtue of our common office of ministry - to attain everywhere these goods and titles in every way without waiver, according to the action and decree which in this matter has been passed between the abbot of Buch and us in the electoral chancellery of our most gracious lord, the Elector of Saxony etc. and which is kept in this our common chest. In the same manner, everything that belongs to the school and the sexton's building is also apportioned to this chest.

Acquisition of the goods and titles of God's house.

7 All goods and titles, hereditary fiefs, ground-rents, and farm-fees ["gatter zinsse"?], bridge tolls, cash, silverware, jewels, equipment, movable property, and the regular and occasional revenues everywhere which belong to our God's house [church building] shall wholly be included and remain in the common chest together with the written deeds, inventories, and registers concerning this.

Acquisition of the goods and titles of the four altar foundations and other foundations.

8 The four altar foundations ["Altarlehnen"] in our God's house shall

ytzigen belehnten altar prieſter verſtorben, aber die lehnn ſtiftennt[1], verlediget ſeint, nicht mehr verlihen, ſunder die vier hewßer ſambt den gutern, zinßen, einkomen, nutzungen, cleinodten. vorrathe vnnd farenderhabe, mit den brieuelichen vrkunden, vertzeichnuſſen vnnd regiſtern, dar zu gehorig, ynn den gemeinen kaſten gebracht werden, Vnnd dar zu alle begengnus, Jare tage[2], Ablaßwochen ader Octauen[3], vnd ander einlitzige[4] ſtifftungen vnd almuſſen, zum hoſpital vnd anderßwo, alles ym gemeynen kaſten geſchlagen.

Eynnahme von Bruderſchafften.

9 Was an barem gelde, zinßkauffen, cleinodten ſilberwerck, vorrathe vnd farendehabe, zu den berumbten bruderſchafften, des kalands[5], Sanct Annen, vnd der Schwknechte[6], biß anher, eingeſamlet, vnnd denſelbigen zuſtendig iſt, mit den briuelichen vrkunden, vertzeichnuſſen vnd regiſtern, allenthalben [illegible] dieſen gemeinen kaſten geſchlagen vnnd verordent, dabey zubleyb[illegible]

HENCEFORTH, WHEN THE PRESENTLY ENDOWED ALTAR PRIESTS ARE DECEASED OR THE ENDOWMENTS BECOME FREE INAANOTHER MANNER, NO LONGER BE CONFERRED [UPON ANY PERSON], BUT THE FOUR HOUSES TOGETHER WITH THE GOODS, RENTS, REVENUES, YIELDS, JEWELS, EQUIPMENT, AND MOVABLE PROPERTY SHALL BE BROUGHT INTO THE COMMON CHEST TOGETHER WITH THE WRITTEN DEEDS, INVENTORIES, AND REGISTERS WHICH BELONG TO THEM. AND IN ADDITION [THE FOUNDATIONS FOR] ALL THE CELEBRATIONS, ANNUAL REQUIEMS ["JARE TAGE"], WEEKS OF INDULGENCES OR OCTAVES,[7] AND OTHER SINGLE FOUNDATIONS FOR THE HOSPITAL OR ELSEWHERE ARE ALSO ALL APPORTIONED TO THE COMMON CHEST.

ACQUISITIONS FROM FRATERNITIES.

9 THE CASH, CONTRIBUTIONS, JEWELS, SILVERWARE, EQUIPMENT, AND MOVABLE PROPERTY WHICH UNTIL NOW HAVE BEEN GATHERED FOR THE FAMOUS FRATERNITIES OF THE CALENDS,[8] OF S$_T$. ANNA, AND OF THE SHOEMAKERS AND WHICH BELONG TO THEM ARE TOGETHER WITH THE WRITTEN DEEDS, INVENTORIES, AND REGISTERS EVERYWHERE APPORTIONED TO THE COMMON CHEST AND ORDERED TO REMAIN THERE.

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7. FOUNDATIONS WITH THE STIPULATION TO HOLD PERIODICALLY FOR ONE WEEK PRAYERS FOR A DECEASED PERSON AND THUS TO OBTAIN AN INDULGENCE FOR HIM.

8. WHICH MET ON THE "CALENDAE", THE FIRST DAY OF THE MONTHS.

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Eynnahme gotsgabe von handtwercken vnd bawerschafften.

10 Einlagen, Zunfftgerechtigkeitten, anſprachen [7], buſſen, ſtraffen, vnd koren [8], wes ſich der dinge, biſhanher ynnerhalb der Stadt bey den handtwercken, vnd außwendig vffm lande ynn dorffern, bey den bawern ym gemeinem vnſerm kirchſpiell, ynn vorrathe, als gottes gaben, verſamlet, vnnd furthin vber parlang, verſamlen werden, ſeint vnnd ſollen allenthalb, ynn gemeinen kaſten geſchlagen, vnd miteingebracht werden.

Eynnahme eſſende ſpeiße vnd gelt vn die Almuſſtiſten vnd gelſtocke.

11 Jn vnſerm gottes hawße ſeint verordent, vnd ſollen allzeit ane verruckunge gehalden werden, zwey vaſs odder radtkiſte [9], dareyn, brott, kuße, eyer, fleyſch ander ſpeyße vnd vorrathe, Vnd ein ſtock [10] ader zwene, dareyn geit, vnd alſo beiderley, zu vnterhaltunge des gemeinen kaſtens, eynzulegen. Deßgleichen ſollen die almuſſen vnd milde handtreichung, ſo durch zweene, aus vnſern verordenten, allzeit, wan vnſer kirchſpiell, ym gotes hawß, yn verſamlunge ſeint, von perſon zu perſonen, zu erhaltunge der armen, gebeten werden, auch ynn ſolche ſtocke zuſtundt gelegt vnd gewandt werden, Vnd die ſtucke des vorrats, ſo verterblich ſeint, ſollen durch die verordenten, nach vermoge yres beuelhs [11], wie hernach volget, ane verzihen zu nottufft vnter die armen außgeteylet, Was aber wehrhafftig [12] biſs vff nechſtuolgenden Sontagk, enthalden, vnd alßdann, zu nuße vnd bequemligkeit der armen, verfuget werdenn.

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[1]) sonst [2]) seelenmessen, die am jahrestage des todes gelesen werden [3]) stiftungen mit der bedingung, daß in bestimmten zeiträumen jedesmal acht tage für den verstorbenen gebetet und dadurch für ihn ablaß erworben wird [4]) einmal jährlich zur verwendung kommende [5]) Die „Kalandsbruderschaft“ (Uhlhorn II 426 ff.) versammelt sich zu geistlichen und geselligen zwecken an den „kalendae“ jedes monats; sie hatte den altar Annuntiationis Mariae gestiftet s. Mitt. 9, 70; näheres über sie giebt Kamprad s. 182 ff. [6]) die religiöse organisation der schustergesellen vgl. Uhlhorn Liebesthätigkeit II 396 ff. [7]) forderungen (um die man jemand 'ansprechen' kann) [8]) durch gemeindebeschluß ('kür') festgesetzte strafe [9]) runde kiste mit reifen? [10]) opferstock [11]) befehls [12]) dauerhaft

Acquisition of the "Gift for God" from the crafts and peasants' organisations.

10 Shares, guild-privileges, claims, amends, penalties, and fines which so far have been and will be collected in future in the years to come as "gifts for God" into the store of the crafts within the city and of the farmers [-organisations] in our general parish district out in the country are and are everywhere to be apportioned to and included in the common chest.

Acquisition of food and money for the alms-chest and money box.

11 In our God's house there are established and shall always be maintained without change both two containers or barrels ["radtkiste"?], in which bread, cheese, eggs, meat, other food and supply, and also one or two money boxes in which money can be put for the support of the common chest. The alms and benevolence offerings, which are summoned from person to person for the support of the poor through two persons appointed by us whenever our parish is gathered in God's house, shall in like manner be immediately put and turned into these money boxes. And those parts of the supply which are perishable shall without delay be distributed to the needs of the poor by the appointed persons according to their commission as is later described. But what is durable shall be kept until the next Sunday and shall then be used for the benefit and relief of the poor.

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Eynnahme gaben bey gesunden tagen vnd testament am todtbette.

19 Vnder freye willige gaben, bey gesunden lebetagen, vnd testament am todtbette, sonill zu der ehre gottes vnd liebe des nechsten, aus Christlicher andacht beschee[n], es sey an gutern, baremgeldt, kleinodten, vorrathe vnd farenderhabe, sollen gantz vnd gar zu diesem gemeinem kasten gethan sein vnd bleyben, Auch treuliche vermahnunge durch vnser selensorger vffm predigstuel, vnd sustennd, auch weyll[1] die menschen bey vernunfft, am siechbette, [illegible] verwillignge der anwartenden erben[2], ynn ordentlichen fellen zuth[illegible]

Acquisition of gifts in healthy days and of wills on the deathbed.

12 Other free will gifts in the healthy days of life and wills on the deathbed as are done out of Christian devotion to the glory of God and love of the neighbor - it be of goods, cash, jewels, equipment, and movable property - shall entirely be and remain added to this common chest [and shall be] encouraged also by faithful admonition through our clergymen in the pulpit or elsewhere in cases which are proper, [that is] as long as the people on the sickbed are still in their senses [and] with agreement of the heirs-to-be.

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III Vorwesunge des gemeinen kasten zubestellenn.

13 Die verwesunge des gemeinen kasten, sall also bestellet vnd gethan werden. Nemlich, das alle iare ierlich, vff den Sontag nach dem achten der heiligen drey konige tag, vngeuerlich, vmb eylffhor, eine gemeine eingepfarte versamlunge, vffm radthawße alhier, erscheynenn wollen vnd sollen, aldoselbst durch die gnade gottis, ynn warem Christlichen glawben, eintrechtiglichen, zehen furmunden oder fursteher, zu dem gemeinen kasten, außm ganzen hauffen, ane vnderschied die tuglichsten, erwelen, Als nemlich, zwene Vber manne, zwene des regirenden Rats, drey aus den gemeinen burgern vnn der stadt, vnd drey aus den bawern vffm lande, Welche zehen also erweltenn, die burde dieser furwesung vnd furmundschafft, alßbaldt vmb gotes vnd gemeines nutz willen, gutwillig vff sich nehmen vnd laden sollen, bey guten Christlichen gewissen, vnangesehen, gunst, neidt, nutz, forchte, odder einigerley vnzymliche vrsache, nach yrem besten vermogen, ynnhalts dieser gegenwertigen vnser vereynigunge, die verwesunge, eynnahme vnd ausgabe, treulich vnd vngeuerlich zu handeln, pflichthafftigk vnd verbunden sein.

III Appointing the administration of the common chest.

13 The administration of the common chest shall be ordered and done in this manner. Namely, that every year annually, on the second Sunday after Epiphany,[9] at eleven o'clock, without danger of harm, a general parish assembly shall and ought to appear here at the city hall to elect, at this very place, through the grace of God, in true Christian faith, unanimously, ten trustees or wardens for the common chest out of the whole assembly, the most qualified without regard [to the person], namely, two noblemen, two of the ruling city council, three out of the common citizens in the city, and three from the peasants in the country. Which ten [persons] thus elected shall, for the sake of God and of the common welfare, willingly assume and take upon themselves the burden of this administration and trusteeship, with a good Christian conscience, regardless of favor, envy, profit, fear, or any improper motive, to do their best to be in duty bound to carry out faithfully and without harm the administration, receipts and expenditures, according to this our present agreement.

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9. Literally: "on the Sunday after the week following Epiphany" which in most years will be the second Sunday after Epiphany unless January 6 falls on a Sunday.

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Beschliessunge des kastens mit vier besondern schlossern.

14 Dieser gemeyner kaste vnd beheltnus, sall yn vnserm gotthawse, an dem orthe, do es am sichersten, verwart sein, vnd mit vier vnderschiedlichen besundern schlossen, vnd schlussein verschlossenn werden, also das die Erbarmanne einen, der Rath einen, die gemeine ynn der stadt einen, vnd die Bawerschaft vffm lande einen sonderlichen schlussell habenn.

Die vorsteher sollen alle sontage bey sammen sein.

15 Alle sontage Jm iare, von eylfthora biß vnd zwey zur vesper zeitt, sollen die zehen vorsteher, ynn vnserm gemeinen pfarhofe, aber ym Radthawse, beysammen sein, vnnd aldo yrer vormundschafft vleissig pflegen, vnd gewertig sein, alle sembtlich radtschlagen vnnd handeln, damitt die ehre gottes, vnd die liebe des eben Christen menschen, yn gangbafftiger vbung, erhalten vnd zu besserunge angeschickt werden moge, Vnd sollen solche yre radtschlege, ynn vffrichtiger trewer geheyme, gehaltenn, vnnd vnordentlicher weiße, nicht geoffenbaret werden, Ab etliche aus Jnen, nicht allzeit entgegen[e], vnnd redlicher vrsache verhindert, soll gleichwoll der mehrerteyll, zu handeln vnnd vorfaren macht habenn.

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[a]) und zwar so lange [b]) erben, welche die anwartschaft haben [c]) der Octave [d]) vormünder [e]) entsprechend [f]) zugegen

Locking the chest with four special locks.

14 This common chest and container shall be kept in our God's house at the place where it is the safest, and shall be locked up with four different separate locks and keys so that the noblemen will have one separate key, the city council one, the citizenry in the town one and peasantry in the country one.

The wardens shall meet every Sunday.

15 Every Sunday in the year from eleven o'clock until two in the afternoon, the ten wardens shall meet in our common parsonage or in the city hall and shall perform there diligently the duties of their trusteeship, and be present and all take counsel and action together, so that the glory of God and the love of the fellow Christian may be kept in current practice and be brought to improvement. And these their conferences shall be kept in an honest faithful secrecy and shall not be disclosed in an improper manner. In case that some of them cannot always be present and are prevented by a legitimate reason, the majority shall nevertheless be authorized to take counsel and actions.

Drey bucher: dar ynne alle guter gerechtigkeitt vnd vorweſunge angezeichent.

16 Drey bucher oder regiſter, ſollen die zehen vorſteher vff die zeitt, aller Sontage, fur handen[1] haben, Nemlich

Das heubtbuch, dar ynne ſollen beſchrieben ſein, vnd furthin werden, dieſe vnſere bruderliche vereynigunge, wie die ſelbige beſigelt ym kaſten ligt Alle brieueliche vrkunde, ſtifftungs brieue, vortzeichnus vnd erbregiſter, vber alle guter vnd gerechtigkeitten, ſo allenthalben yn gemeynen kaſten, wie obin, gewandt, vnnd eingebracht, vnd kunfftiger zeitt dareyn gebracht vnd kommen werden.

Das handelbuch, dareyn ſollen alle handelung, radtſchlege, abſchiede, erkundunge, nachforſchung vnd beſchließ, ßo allenthalben bey vnd vber der vorweſung eynnahme vnd außgabe des gemeinen kaſtens, beſcheen, gehalt vnd volzogen, eigentlichen[2] eingeſchrieben vnd vertzeichent werden, damit man ſich allzeit, nodturfftigs beſchieds, zuerholen[3] haben moge.

Das Jarrechen Regiſter[4], dareyn ſollen beſchrieben werden anfenglich, eyn volſtendige vertzeichnus vnd Inuentarium, aller ſtucke des vorrats, farenderhabe cleinod, ſilberwerck vnd barſchafft an gelde, ein iglichs mit rechter vnderſchiedt, des gewichts halb vnd maſß, den vorgemelten zehen vorſtehern, als ein eynnahme[5] ynn yrhem ankomenn[6] eines iglichen Jares, ſtuckweiße vbergeantwurt, vnd widerumb berechent werdenn ſollen, Hiereyn ſollen auch alle Sontage wochentlich, alle vnd igliche eynnahmen, vnd außgaben, beſchrieben werdenn, Alles nach ynnhaltt einer gemeinen rechnungs forma[7], welcher ſich eine gantze verſamlunge, vereyniget, vnd nach gelegenheitt hinfurder zuuereinigen haben wirt[8]. dauon allwege ein ſolch gemacht regiſter, mit ſeinen notturfftigen capiteln geordent, vff den tag der erwelunge, den nawen zehen furſtehern, durch die alten, gefaſſet vnd beſchrieben, vberrichet werden ſall, damitte ſchedliche yrthum vnd verſewnnis furkomen[9]. Vnd wan dieße drey bucher wie oben, gebrancht wurden, ſollen ſie alß baldt widerumb ynn gemeinen kaſten eingeſchloſſen werden.

THREE BOOKS: IN WHICH ARE RECORDED THE TITLES AND ADMINISTRATION OF ALL GOODS.

16 EVERY SUNDAY, THE TEN WARDENS SHALL AT THAT TIME HAVE THREE BOOKS OR REGISTERS AT HAND, NAMELY:

THE PRINCIPAL BOOK, IN WHICH ARE TO BE RECORDED NOW AND IN FUTURE: THIS OUR BROTHERLY AGREEMENT IN THE MANNER AS IT IS KEPT SEALED IN THE CHEST, ALL WRITTEN DEEDS, CHARTERS OF FOUNDATIONS, INVENTORIES AND REGISTERS OF ALL GOODS AND TITLES WHICH AS STATED ABOVE HAVE EVERYWHERE BEEN AND IN FUTURE WILL BE TURNED AND BROUGHT INTO THE COMMON CHEST.

THE BOOK OF MINUTES, IN WHICH ARE PROPERLY TO BE ENTERED AND RECORDED ALL ACTIONS, CONFERENCES, RESOLUTIONS, INFORMATIONS, INVESTIGATIONS, AND CONCLUSIONS WHICH ARE MADE, CARRIED OUT AND COMPLETED IN AND CONCERNING THE ADMINISTRATION OF THE RECEIPTS AND EXPENDITURES OF THE COMMON CHEST. FROM HERE ONE MAY OBTAIN AT ALL TIMES NECESSARY INFORMATION.

THE ANNUAL ACCOUNT BOOK, IN WHICH ARE TO BE WRITTEN A COMPLETE LIST AND INVENTORY OF ALL STOCKS OF SUPPLY, OF MOVABLE PROPERTY, JEWELS, SILVERWARE, AND READY CASH, EACH WITH A PRECISE DEFINITION OF ITS WEIGHT, NUMBER, AND MEASURE, WHICH ARE TO BE HANDED OVER PIECE BY PIECE AS A RECEIPT TO THE AFORESAID TEN WARDENS WHEN [THEY ARE] ENTERING [THEIROFFICE] EACH YEAR AND WHICH ARE TO BE ACCOUNTED FOR AGAIN. IN THIS ACCOUNT BOOK ARE TO BE RECORDED WEEKLY EVERY SUNDAY ALSO ALL AND EVERY RECEIPTS AND EXPENDITURES. EVERYTHING [IS TO BE DONE] IN THE CUSTOMARY METHOD OF BOOK-KEEPING, CONCERNING WHICH A WHOLE ASSEMBLY AGREES AND AS OCCASION DEMANDS WILL HAVE TO AGREE IN FUTURE. FROM THIS [BOOK] SUCH A FINISHED ACCOUNT, WITH ITS NECESSARY SUBDIVISIONS PUT IN ORDER, IS TO BE MADE, WRITTEN, AND HANDED OVER BY THE FORMER WARDENS TO THE TEN NEW WARDENS AT THE DAY OF THEIR ELECTION IN ORDER TO PREVENT INJURIOUS ERROR AND LEGLIGENCE. AND AFTER THESE THREE BOOKS HAVE BEEN USED AS STATED ABOVE, THEY ARE IMMEDIATELY TO BE LOCKED UP AGAIN IN THE COMMON CHEST.

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Alle einkomen vnnd ſchulde eynnahmen.

17 Die zehen vorſteher, ſollen mit gantzem vleis alle zinße, vffhebunge, einkomen vnd ſchulde, beide ſtandhafftige vnd zufellige[a], mahnen, vnd yn gemeinen kaſten einbrengen, ſouill ymer moglich, vnd ane vnderdruckunge der armen beſchehen kan, ynn vnnorrucklichem weſenn vnderhaldenn.

Ambt zweier bawhmeiſter.

18 Zwene Bawhmeiſter, ſollen die zehen vorſteher vnter ſich ſelbſt verordenn, welche beyde, mit rathe vnd wiſſen der andern achte, verſorgen ſollen, die gebewhde, des Gotshawſs, der Brucken, des pfarrhofes, der Schulen, der kuſterey, der hoſpitalen, Auch das dieße beyde, ym gotshawße, mit zweien seckleyn oder taffeln, ſo offt vnnſere eingepfarte verſamlunge

[a]) sur hand [b]) genau specialisiert [c]) nötigen bescheid zu holen [d]) jahr-rechen-register [e]) in das „Haben" gebucht [f]) beim amtsantritt [g]) entsprechend der üblichen form der buchführung [h]) zuvorzukommen [i]) s. s. 13 anm. 9

All revenues and receipts from debts.

17 The ten wardens are to demand all rents, levies, revenues, and debts, both the regular and occasional ones, with all diligence and are to bring them into the common chest and maintain them without change as much as is possible and as can be done without suppression of the poor.

Office of two "architects".

18 The ten wardens are to appoint among themselves two "architects" [here: building committee] which two are with the advice and knowledge of the other eight to look after the buildings of God's house, the bridge, the parsonage, the school, the sexton's house, the hospital. Whenever our parish assembly is together, these two are to summon the

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geginwertig, die almuſſen, zu erhaltung der armen, bitten, Vnd alßbald ynn die beyde darzu verordente geltſtocke, offentlich einſchutten, dauon die ſchluſſell ym gemeinem kaſten ſollen enthalden[1], vnd durch die zehen furſteher ſembtlich, das gelt hieraus alle ſontage genomen, furder ynn gemeinen kaſten gelegt, vnd yn das Rechenregiſter eigentlich beſchrieben werden ſall. Vnd die almuſſen, ann eſſender ſpeiße vnd vorrathe, welche verderblich, nach dem[2] es eins yeden Sontags fur notturfftig vnd gut angeſehen, vnd durch die zehen vorſteher ſembtlich beſchloſſenn, teglich vnter die armen außteylen. Was aber wehrhafftiger ſtucke, ſollen aus den Almußkaſten genohmen, vnd an beqwemen[3] orthen ym goteßhawße, allwege biß vff einen Sontag, verwart, vnd alſo furder nach ermeſſunge der zehen furſteher, fur die armen außgewandt werdenn.

IIII Frembde beſchwerungen abgelegt.

19 Nach dem wir Erbarmanne, Rath, viertelmeiſter Eldeſten, vnd gemeine einwoner der ſtadt vnd dorffer vnnſers kirchſpiels, fur vns vnd vnſere nachkomen yn krafft dieſer vnnſer vereinigung, beſchloſſen, vnd dieße mercklich beſchwerung, damitte eine gantze eingepfarte verſamlunge vber die maße, als von den frembden, ertichten, vnnotturfftigen armen vnd muſſiggengern beladen, vnd yn vnſerm ſelbſt mangell verteufft geweſt[4], aus rathe der gotlichen ſchrifftgelertenn abgewandt vnd vffgehaben, yn maßen[5] auch abgewandt vnd vffgehaben ſein vnd bleybenn ſollen Nemlich.

ALMS FOR THE SUPPORT OF THE POOR ALSO IN GOD'S HOUSE WITH TWO LITTLE BAGS OR PLATES AND ARE PUBLICLY TO POUR THEM INTO THE TWO MONEY BOXES DESIGNATED TO THIS PURPOSE, OF WHICH THE KEYS ARE TO BE KEPT IN THE COMMON CHEST AND OF WHICH THE MONEY IS TO BE TAKEN OUT EVERY SUNDAY BY ALL THE TEN WARDENS IN ORDER TO BE PUT INTO THE COMMON CHEST AND TO BE PROPERLY RECORDED IN THE ACCOUNT BOOK. ALSO THE DONATIONS OF FOOD AND SUPPLY WHICH ARE PERISHABLE ARE TO BE DISTRIBUTED DAILY UNDER THE POOR AS IS DEEMED RIGHT AND PROPER AND DETERMINED BY ALL THE TEN WARDENS EVERY SUNDAY. WHAT HOWEVER IS DURABLE IS TO BE TAKEN OUT OF THE ALMS BOX AND TO BE KEPT AT SUITABLE PLACES IN GOD'S HOUSE ALWAYS UNTIL A SUNDAY AND IS THEN TO BE USED FOR THE POOR ACCORDING TO THE DISCRETION OF THE TEN WARDENS.

III. Foreign burdens abrogated.

19 AFTER WE, THE NOBLEMEN, THE CITY COUNCIL, THE CHAIRMEN OF THE GUILDS, ELDERS, AND COMMON INHABITANTS OF THE CITY AND VILLAGES OF OUR PARISH DISTRICT, HAVE BY VIRTUE OF THIS OUR AGREEMENT COME TO A CONCLUSION FOR US AND OUR DESCENDANTS AND HAVE THROUGH THE ADVICE OF THE TEACHERS OF DIVINE SCRIPTURE WARDED OFF AND ABOLISHED THIS MANIFEST BURDEN WITH WHICH OUR WHOLE PARISH ASSEMBLY HAS [SO FAR] BEEN BURDENED BEYOND MEASURE THROUGH FOREIGN FICTITIOUS UNNEEDY PAUPERS AND IDLERS AND HAS BEEN STEEPED DEEPER IN OUR OWN WANT, IT IS THEREFORE AND REMAINS WARDED OFF AND ABOLISHED. NAMELY:

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Termineyen abgelegtt.

20 Keine monche, welchs ordens auch die seint, sollen furtmehr ynn vnserm kirchspiell, yn der stadt noch dorffern, eyncherley termineyen[a] haben, darumb ynen auch die drey termineyheuser, aus dem gemeinen kasten, vnd dem selbigen zugute, nach zimlicher wirderung[7], sollen vernuget[8] werden.

Betteln der monche: stationirer vnd kirchenbitter abgethan.

21 Keinem munche, keinem stationirer noch kirchenbitter[9], sall yn vnserm kirchspiell, yn der stadt vnd dorffern zu betteln aber zu betteln lassen, gestatet noch verhangen[10] werdenn.

Betteln fremder schuler abgelegt.

22 Kein fremd schuler sall ynn vnserm kirchspiell ynn der stadt noch dorffern czu betteln geliden werden, Will aber yemand yn die schule bey vns gehen, der mag ym selbst seine kost vnd narunge verschaffen.

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[a]) aufbewahrt [7]) je nachdem [8]) angemessenen [9]) in unserm eigenen mangel vertieft gewesen [10]) so sollen sie dementsprechend . . [a]) 'Terminey' is das absteigequartier eines fremden ordens, der in der betr. stadt „terminieren" will, d. h. sie in seinen bettelbezirk einbegrenzt hat, s. s. 4 anm. 4. In Leisnig hatten solche (eigenen) häuser die Oschatzer Franziskaner, die Freiberger Dominikaner und die Waldheimer Augustiner. Diese häuser sind den bettelorden wie hier angeordnet auch tatsächlich abgekauft und in pfarrhäuser verwandelt worden vgl. Nobbe in Mitt. 7, 41 und Hingst Mitt. 8, 30 f. [7]) abschätzung [8]) vergütet [9]) vgl. s. 5 anm. 2 [10]) angewiesen

Mendicant houses abrogated.

20 No monks regardless of which order shall in future have any mendicant houses in our parish district, in the city or in the villages. Therefore for the three mendicant houses compensations shall be made to them out of the common chest and for the use by the same after a due assessment.

Begging of monks, mendicant friars, and church beggars abrogated.

21 It shall not be permitted or assigned to any monk, mendicant friar,[10] or church beggar[11] to beg or to have someone beg in our parish district, in the city and the villages.

Begging of foreign students abrogated.

22 No foreign student shall be permitted to beg in our parish district in the city or the villages. If however somebody wants to go to school amongst us, he may provide his own board and food.

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10. "Stationirer" - mendicant friars who wandered around with relics; see "Die Wittenberger und Leisniger Kastenordnung", op. cit., p. 5, footnote 1

11. "Kirchenbitter" - friars begging for contributions for a church building; see ibid., p. 5, footnote 2

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Bettler vnnd bettleryn abgelegt.

23 Keyne betteler vnnd bettleryn ſollen ynn vnnſerm kirchſpiell ynn der ſtadt noch dorffern, gelidden werden, dann welche mit alder oder kranckheitt nicht beladen, ſollen arbeiten, aber aus vnnſerm kirchſpiell, aus der ſtadt vnnd dorffern, auch mit hulffe der obrigkeitt, hynwegk getrieben werden, Die aber aus zu fellen bey vns verarmen, aber aus kranckheit vnd alder, nicht arbeiten konnen, ſollen durch die verordenten zehen, aus vnſerm gemeinen kaſten, zimlicher weiße verſehen werden, yn maſſen hiernach volgett.

V Auſſgabe vnd verſehunge auſſm gemeinen kaſtenn.

24 Hierumb wollen vnnd ſollen nu furthin wir eingepfarte verſamlunge vnd vnſer nachkomen, aus vnſerm gemeinen kaſten, durch die zehen erwelte vnnſer vorſteher, ſo weit ſich vnſer vermogen, mit gotes gnaden erſtrecken wirdet, ernehren, verſehen vnd erhalten, Vnd die außgaben wie volget, [illegible] gelegenheit, thun vnd darlegen. Nemlich

Male and female beggars abrogated.

23 No male and no female beggars shall be tolerated in our parish district in the city or villages; for those who are not burdened with old age or sickness are to work or are to be driven away from our parish district out of the city and villages even with assistance of the [temporal] authority. Those however who become poor among us through accidents or through sickness and old age are to be provided for in due manner out of the common chest through the appointed ten wardens as is subsequently explained.

V Expenditures and provisions out of the common chest.

24 Therefore we, the parish assembly and our descendants, will and shall in future support, make, and maintain provisions through our ten elected wardens out of the common chest to the extent of our capacity with the grace of God, and make and spend the expenditures for each occasion as follows. Namely:

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Auſgabe des pfarr Ambts.

25 Den gemeinen vnſern beruffenen erwelten ſeelſorger ader pfarrer[1], zu ſambt einem auch vnſerm beruffenen prediger[2], ßo eym pfarrer (welcher doch ſelbſt ſein pfarrlich ambt, mit verkundigung des gottis worts, vnd andern thun konnen vnd wiſſen ſall) zu hulffe zugeordent, vnd dar zu ein Cappellan, ab es die nottunfft erfordern wurde, ſollen die zehen vorſteher, aus eintrechtigem beſchlieſs der gannten verſamlunge, mit einer namhafftigen ſumma geldes, Vnnd etlichem genyeßlichem vorrathe vnd nutzunge, ligender grunde vnd guter, alle Jare ierlich, ye den vierdenteyll, vff eine quatember[3] vnd viertell Jares, zu yrer zimlichen notturfft vnd vffenhaltunge[4] verſehen, vnd auffm gemeinen kaſten gegen geburlicher quitantz[5] vberreichen, Ann welchem vare gelde, vorrathe vnd nutzunge, als einer verſorgunge, ſie geſettiget ſein ſollenn, mit keinerley weiße etwas mehr, von den eingepfarten perſonen vnd menſchen, zuſuchen noch zuentpfahen, es weren dan vngeſuchte ledige freye erbietungen vnd gabenn, ſundern ſollen ſich nach der ordenunge vnd vnterweyſunge, mit dem, vnd auch der verweſunge des gemeinen ſelenſorgen Ambts, der gotlichen ſchrifftgelerten[6], halten, Welche ordenung yn vnſerm gemeinen kaſtenn verwart, vnd durch die zehen vorſteher, alle Sontage

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[1]) pfarrer war damals der aus kloster Buch ausgetretene Heinrich Kind: er wurde 1529 von den visitatoren „altershalber und sonst zum predigtamt und seelsorge unvermöglich und ungeschickt befunden" und auf seine untertänigste bitte pensioniert s. Nobbe in Mitt. 7, 33. Leisnig wird dann mit dem neuen pfarrer Wolfg. Fuß superintendentur (Kamprad s. 206 ff.) [2]) Magister Johann Gruner (s. Kawerau Weim. Ausg. 12, 3) danach Tileman Schnabel (ebenda s. 7 anm. 1) dann Dominicus Beyer (Kamprad 231 ff. giebt die weitere liste) [3]) Quatember als zinstermin ist jedesmal der Mittwoch der Quatemberfastenwoche, also Mittwoch vor Reminiscere und Trinitatis, nach Kreuzerhöhung (= 14 Sept.) und S. Lucia (13 Dec.) [4]) 'aufhaltung' = unterhalt [5]) quittung [6]) constr.: sollen sich mit diesem (besoldungspunkte) und auch mit der verwaltung des seelsorgeramtes nach der ordnung und unterweisung des in der göttlichen schrift gelehrten verhalten.

EXPENDITURE FOR THE PASTORATE.

25 OUR COMMON CALLED AND ELECTED MINISTER ["SEELSORGER"] OR PASTOR AS WELL AS OUR CALLED PREACHER, AS AN ASSISTANT ASSIGNED TO THE PASTOR (WHO HOWEVER HIMSELF IS TO HAVE LEARNING AND KNOWLEDGE OF THE MINISTERIAL OFFICE AND OF THE PROCLAMATION OF GOD'S WORD AND OTHER DUTIES) AND ALSO IF NEED SHOULD DEMAND IT A CURATE SHALL BE PROVIDED BY THE TEN WARDENS THROUGH THE UNANIMOUS AGREEMENT OF THE WHOLE ASSEMBLY WITH A SIZABLE SUM OF MONEY AND SUNDRY SUPPLY OF FOOD AND THE PROFIT OF THE LANDS AND FARMS [OWNED BY THE CHURCH] FOR THEIR PROPER SUSTENANCE AND SUPPORT ANNUALLY EVERY YEAR, ALWAYS A FOURTH PART EACH QUARTER IN AN EMBER WEEK, AND THEY SHALL RECEIVE IT OUT OF THE COMMON CHEST AGAINST A PROPER RECEIPT. WITH THIS ANNUAL SUM, SUPPLY, AND PROFIT THEY SHALL BE SATISFIED AND SHALL IN NO WISE SOLICIT OR RECEIVE ANYTHING IN ADDITION FROM THE PARISHIONERS WITH THE EXCEPTION OF UNSOLICITED SINGLE FREE DONATIONS AND GIFTS, BUT ARE TO KEEP THEMSELVES IN THIS MATTER AND WITH THE ADMINISTRATION OF THE OFFICE OF THE COMMON MINISTRY TO THE ORDER AND INSTRUCTION OF THE TEACHINGS IN THE DIVINE SCRIPTURE. THIS ARRANGEMENT IS TO BE KEPT IN OUR COMMON CHEST AND TO BE DILIGENTLY WEIGHED AND FURTHERED BY THE TEN WARDENS EVERY SUNDAY, SO THAT THE OFFICE OF THE MINISTRY MAY NOT SUFFER ANY INJURY.

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vleissig sall bewogen vnd gefordert werden, damitte an dem seelsorgenambt, kein abbruch geschee.

Ausgabe fur die Custerey.

26 Dem kirchner aber kuster, welchem von einer versamlunge, das gotes hawss zuerschliessenn, vnd die zimlichen dinste dabey zuthun, bewolhen, sall durch die zehen fursteher, auffm gemeinen kasten ein namhafftig yargelt, vnd etlicher genyßlicher vorrath, auch Nutzunge, off die vier virteyll iares gegeben werden, wie solchs durch die versamlung beschlossen, vnd yn der schrifftlichen ordenung, des gemeinen seelsorgen Ambts, wie obin, zu sambt der kusterey dinsten, mitbegriffenn.

Ausgabe fur die zewcht schulen.

27 Einen schulmeister[1] fur die yungen knaben, zuberuffen, setzen vnd entsetzen, sollen die zehen verordente fursteher yn nahmen vnser gemeinen eingepfarten versamlunge, macht vnd beuelh haben, nach rathe vnd gut ansehen, vnsers erwelten seelsorgers vnd eins predigers[2], vnd ander gotlichen schrifftgelerten, damitte ein frommer vntadlicher wolgelerter man, zu Christlicher ehrlicher vnd erbarer zucht vnd vnterweysung der iugent, als einem hochnotigen ambte furgesetzt werde, welcher schulmeister yn seiner zucht, lehre, leben vnd regierung, nach vermogen der ordenung vnsers gemeinen seelsorgenambts, wieobin, ym vorrathe vnsers kastens furhanden ligend, sich richten vnd vnuerandert zuhalten, verpflichtet sein sall, darumb [illegible] vnserm gemeinen kasten ein namhafftig iargelt vnd etlichen vorrath[illegible]

Expenditure for the sexton's service.

26 The sexton or sacristan, who is commissioned by the assembly to lock up God's house and to perform the proper services thereby, is to be given through the ten wardens out of the common chest a sizable annual salary and sundry supply of food as well as profit [of land] to be paid quarterly, as is determined by the assembly and is included in the written order concerning the office of the common ministry, as stated above, including the sexton's services.

Expenditure for schools of education.

27 The ten appointed wardens shall have authority and commission in the name of our general parish assembly to call, appoint, and remove a schoolmaster for the young boys according to the counsel and advice of our elected pastor and of the preacher and other teachers of holy scripture, so that a pious, irreproachable, well learned man be appointed for the Christian honest and honorable education and instruction of the youth as a most necessary office. Which schoolmaster shall be in duty bound to direct and keep himself in his instruction, teaching, life, and rule unchangeably to the order concerning the office of common ministry which as stated above is kept in our chest. In return the same

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...e vier viertell iares, nach beschliess einer gemeinen versamlunge, ... die zehen fursteher, dem selbigen schulmeister, sall gegeben vnd vermuget werden, vnd sall daruber nichts mehr, aus vnser eingepfarten versamlunge, wie die yn vier vnderschieden obin angezeigt, suchen noch entpfahen. Aber von frembden schulern, welche alleyne vff yre selbst eygene kost, vnd nicht vff bettley alhier sollen gelidden werden, mag der schulmeister, nach ermessunge eines pfarrers vnd predigers, sambt der zehen fursteher, billiche belonunge nehmen, Also das auch, den selbigen frembden Christliche zucht vnd lehre, mittgeteylet werde, Vff diss schullambt vnd regierunge der iugent, sollen vnser seelsorger, prediger vnd zehen fursteher, ein vnnachlessig trewlich vffsehen haben, vnd alle sontage, derwegen notturfftig[a] bedencken vnd ratschlag halten, vnd mit gestracktem[b] ernst handthaben, Dergleichen sall aus vnserm gemeinen kasten, durch die zehen fursteher, eine ehrliche, betagte, vntadliche weibs person mit eym iaergelde, vnd etlichem vorrathe versehen werden, die iungen meidlen vnder zwelff iaren, yn rechtlicher Christlicher zucht, ehre vnd tugent, zu vnterweissen, vnd nach vnhalt der ordenunge, vnsers seelsorgen ambts, deutsch schreyben vnd lesen lernenn, etliche namhafftige[c] stunden, bey hellem lichten sonnenscheyn vnd an eym

[a]) über lehrer und schule berichtet näheres das visitationsprotokoll Mitt. 7, 36 f. [b]) 'jenes einen' § 25 genannten [c]) so viel als not tut [d]) strengem [e]) 'namentlich' angegebene, bestimmte

SCHOOLMASTER SHALL BE FURNISHED AND REIMBURSED THROUGH THE TEN WARDENS OUT OF OUR COMMON CHEST WITH A SIZABLE SUM AND SUNDRY SUPPLY AT THE FOUR QUARTERS OF THE YEAR ACCORDING TO THE RESOLUTION OF A GENERAL ASSEMBLY AND SHALL NEITHER SOLICIT NOR ACCEPT ANYTHING IN ADDITION TO THESE FOUR SEPARATE INSTALMENTS STATED ABOVE FROM OUR PARISH ASSEMBLY. HOWEVER FROM FOREIGN STUDENTS, WHO SHALL BE ADMITTED HERE IF THEY PROVIDE THEIR OWN BOARD AND DO NOT DEPEND UPON BEGGING, THE SCHOOLMASTER MAY RECEIVE DUE REMUNERATION ACCORDING TO THE JUDGMENT OF A PASTOR AND A PREACHER AS WELL AS OF THE TEN WARDENS, SO THAT CHRISTIAN EDUCATION AND INSTRUCTION MAY ALSO BE GIVEN TO THE SAME FOREIGNERS. OUR MINISTER, OUR PREACHER, AND OUR TEN WARDENS ARE TO HAVE A CONSTANT FAITHFUL SUPERVISION OVER THIS SCHOOL OFFICE AND RULE OF THE YOUTH, AND ARE TO CONSIDER AND DISCUSS IT AS MUCH AS NEEDED EVERY SUNDAY AND ACT CONCERNING IT WITH STRICT SINCERITY. IN THE SAME MANNER, AN HONEST, ELDERLY, IRREPROACHABLE WOMAN SHALL BE PROVIDED WITH AN ANNUAL SALARY AND SUNDRY SUPPLY THROUGH THE TEN WARDENS OUT OF THE COMMON CHEST, IN ORDER TO INSTRUCT THE YOUNG GIRLS UNDER TWELVE YEARS OF AGE IN PROPER CHRISTIAN DISCIPLINE, HONOR, AND VIRTUE AND TO TEACH THEM ACCORDING TO THE ORDER CONCERNING THE OFFICE OF OUR MINISTRY HOW TO WRITE AND READ GERMAN, FOR SEVERAL APPOINTED HOURS, IN CLEAR DAYLIGHT AND AT A RESPECTABLE UNIMPEACHABLE

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ehrlichen[1] vnuerdechtigen orthe, vnd daruber auch nichts mehr, aus vnser versamlung suchen noch entpfahen, Aber von frembden meidlein, ab die anderßwo anher geschickt, yn die deutsche schule, mag solche weibsperson, nach rathe der zehen furstehr, mogliche[2] belonung auch nehmen, vnd die zehen furstehr, sollen ye mit hochem vleis, vff die zucht vnd regirung dieser deutschen schulen vnd iungen meidleyn, vffsehen haben, Damitte Christliche zucht ehre vnd tugent, vnuerrucklich erhalten werde.

Außgabe fur die gebrechlichen und alden armen menschenn.

28 Die menschen, so yn vnser eingepfarten versamlunge vnd kirchspiell, auß zufellen bey vns verarmen, von yren freunden, ab sie etliche vermogliche der selbigen hetten, mit hulffe verlassen weren, Auch welche aus kranckheit oder alder, nicht arbeiten konnen, vnd notturfftig[3] arm weren, sollen dmch die zehen furstehr, wochentlich alle sontage, vnd sustend nach gelegenheit, aus vnserm gemeinen kasten erhalten vnd versehen werden, Alßo, das sie yre leib vnd leben, gotte zu ehre vnd lobe, aus mangell notturfftiger[4] hawsunge, kleidung, nahrunge, vnd wartunge, ferner zukrenckenn[5] schwechen vnd verkurtzen, aus Christlicher liebe, verhuttet sein mogen, Vnd ye von keinem armen, vnter vnser versamlunge, solche stucke der teglichen [illegible]urfft, offentlich geruffen, geklaget[6] vnd gebettelt, werden durffen, dar[illegible]

PLACE, AND SHALL NEITHER SOLICIT NOR RECEIVE ANYTHING IN ADDITION FROM OUR ASSEMBLY. BUT FROM FOREIGN GIRLS, WHO ARE SENT TO THE GERMAN SCHOOL FROM ELSEWHERE, THIS WOMAN MAY RECEIVE A SUITABLE REMUNERATION ACCORDING TO THE ADVICE OF THE TEN WARDENS. AND THE TEN WARDENS SHALL ALWAYS WITH GREAT DILIGENCE HAVE THE SUPERVISION OVER THE DISCIPLINE AND RULE OF THIS GERMAN AND THE YOUNG GIRLS, SO THAT CHRISTIAN DISCIPLINE, HONOR, AND VIRTUE MAY BE MAINTAINED WITHOUT CHANGE.

EXPENDITURE FOR THE INVALID AND POOR OLD PEOPLE.

28 THOSE PERSONS WHO IN OUR PARISH ASSEMBLY AND DISTRICT THROUGH ACCIDENTS BECOME POOR AMONGST US AND ARE ABANDONED BY THE HELP OF THEIR FRIENDS, IF THEY POSSIBLY HAVE SUCH, AS WELL AS THOSE WHO THROUGH SICKNESS OR OLD AGE ARE UNABLE TO WORK AND ARE DESTITUTE, SHALL RECEIVE AND BE PROVIDED WITH GIFTS FROM OUR COMMON CHEST THROUGH THE TEN WARDENS WEEKLY EVERY SUNDAY AND ELSE AS OCCASION OFFERS, SO THAT OUT OF CHRISTIAN LOVE THEY MAY BE PROTECTED, FOR THE GLORY AND PRAISE OF GOD, FROM FURTHER IMPAIRING, WEAKENING, AND SHORTENING THEIR BODY AND LIFE DUE TO WANT OF NEEDED HOUSING, CLOTHING, FOOD, AND NURSING. AND SUCH POINTS OF DAILY WANT MUST NOT BE PUBLICLY CRIED OUT, LAMENTED, AND BEGGED FOR BY ANY POOR PERSON IN OUR ASSEMBLY. THEREFORE THE TEN WARDENS ARE WITH GREAT DILIGENCE ALWAYS TO

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...en die zehen furſteher, mit groſſem ſteten vleis, erkundunge vnd ... forſchunge furwenden, vnd warhafftig gruntlich wiſſen haben, aller ſolcher armen, wieobin, yn der ſtadt vnd dorffern, ynnerhalb vnſers gantzen kirchſpiels, vnd daruber alle ſontage ratſchlagen, vnd die nahmen der ienigen armen, welche alſo erforſchet, vnd ynen hulffe zuthun, beſchloſſen[7], ſollen zuſambt dem beſchloſſenen ratſchlage, yn das handellbuch, klerlich eingeſchrieben werden damitte das vermogen aus vnſerm gemeinen kaſten, ordentlich außgeteylet werde.

Außgabe verſehunge der weyhſen vnd armen kinder.

29 Arme verlaſſene weyhſen, ſollen mit zucht vnd leibs notturfft, biſs ſie yre broth verdienen vnd erarbeiten konnen, durch die furſteher, auffm gemeinen kaſten, ynnerhalb der ſtadt vnd dorffern, vnſers gantzen kirchſpiels, nach gelegenheit verſorget werden, Ab auch vnter ſolchen weyhſen, oder armer vnuermogender leute kindern, iunge knaben befunden, welche zu der ſchule woll geſchickt, vnd begreifflich der freyen kunſte vnd ſchrifft[8] ſein wurden, die ſollen neben den andern armen menſchen, durch die furſteher, auffm gemeinen kaſten, erneret vnd verſehen werden, Vnd die andern knaben zur arbeit, handtwercken, vnd zimlichen[9] gewerben gefordert werden, Die iungfrawen vnter ſolchen verlaſſen weyhſen, deßgleichen armer leutte

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[1]) anständigen s. s. 6 anm. 1 [2]) eine den eltern 'mögliche' d. h. angemessene [3]) notleidend [4]) nötiger [5]) 'kränken' im eigentlichen sinn = krankmachen [6]) den vorübergehenden auf der straße zugerufen und geklagt [7]) constr.: 'und denen hülfe zu tun beschlossen ist' [8]) litterarum [9]) angemessenen

MAKE INQUIRIES AND INVESTIGATIONS AND ARE TO HAVE A TRUE AND THOROUGH KNOWLEDGE OF ALL SUCH POOR, AS STATED ABOVE, IN THE CITY AND VILLAGES, WITHIN OUR WHOLE PARISH DISTRICT AND ARE TO TAKE COUNSEL ON THIS MATTER EVERY SUNDAY. AND THE NAMES OF THOSE POOR WHO HAVE THUS BEEN DISCOVERED AND FOR WHOM SUPPORT HAS BEEN APPROVED SHALL TOGETHER WITH THE DECISION OF APPROVAL BE CLEARLY RECORDED IN THE BOOK OF MINUTES, SO THAT THE CAPITAL OF OUR COMMON CHEST MAY BE PROPERLY DISTRIBUTED.

Expenditure for the care of orphans and poor children.

29 POOR DESERTED ORPHANS SHALL BE PROVIDED FOR WITH EDUCATION AND THE NECESSITIES OF LIFE THROUGH THE TEN WARDENS OUT OF THE COMMON CHEST AS OCCASION DEMANDS WITHIN THE CITY AND VILLAGES OF OUR WHOLE PARISH DISTRICT UNTIL THEY ARE ABLE TO EARN AND TO WORK FOR THEIR BREAD. IN CASE THAT AMONG SUCH ORPHANS OR AMONG THE CHILDREN OF POOR NEEDY PEOPLE THERE ARE FOUND YOUNG BOYS WELL QUALIFIED FOR THE SCHOOL AND CAPABLE OF THE LIBERAL ARTS AND LETTERS, SUCH SHALL BE SUPPORTED AND PROVIDED FOR THROUGH THE WARDENS OUT OF THE COMMON CHEST IN ADDITION TO THE OTHER POOR PEOPLE. AND THE OTHER BOYS ARE TO BE CALLED TO WORK, TO THE CRAFTS AND OTHER SUITABLE TRADES. THE GIRLS AMONG SUCH DESERTED ORPHANS AS WELL AS THE DAUGHTERS OF POOR PEOPLE SHALL ALSO BE ENDOWED WITH A FITTING AID TOWARD THEIR MARRIAGE THROUGH THE WARDENS OUT OF THE COMMON CHEST.

tochter, ſollen auch durch die furſteher, auſſm gemeynen kaſten, zum ehſtande beraten werden, mit einer zimlichen[1] hulffe.

Auſgabe verſehunge hawßarmer leutte.

30 Handtwercks leutten, vnd andern hawß armen leuten, die yn ehlichem oder witwen ſtande, yn der ſtadt vnd dorffern, ynnerhalb vnſers kirchſpiels, wonhafftig ſeint, vnd nicht vermogen, noch ſuſtend anderſwo hulffe haben, yre handtwercke burgerlich, vnd bawers narung redlich, zutreyben vnd arbeiten, ſollen die furſteher auſſm gemeinen kaſten, zimliche furſtreckunge thun, vff mogliche tagezeitt[2] wider zubetzalen, Welche aber, vber[3] yre trewe erbeit vnd vleis, ſolchs nicht vermochten wider zugeben, denen ſall es, als zu yrer notturfft, vmb gotes willen erlaſſen werden, ſolche gelegenheit, ſall durch die furſteher eigentlich[4] erkundet werden.

Auſgabe verſehunge fremder einkomlinge.

31 Frembden einkomlingen, welchs ſtands, ſie mannes oder weibes perſonen weren, vnd Chriſtlich bruderliche zuuerſicht, zu vnſer gemeinen verſamlunge haben, vnd ynnerhalb der ſtadt oder dorffern yn vnſerm kirchſpiell, mit yrer arbeit muhe vnd vleis yre narunge ſuchen wurden, ſollen die zehen furſteher treuliche forderunge thun, auch aus vnſerm gemeinen kaſten, mit leyhen vnd geben nach gelegenheit zimlichen zu hulffe komen, damitte auch die frembden nicht troſtloß verlaſſen, vnd fur ſchanden vnd offen ſunden [illegible]ettigett ſein mogen.

Expenditure for the care of paupers.

30 Handworkers and other homeless people who, married or widowed, are residents in the city and villages of our parish district and are neither able nor find help anywhere else to practise and exercise their crafts like a citizen and their rural work in a proper manner shall be given an appropriate loan from the wardens out of the common chest to be paid back at a reasonable term. However to those who despite their faithful work and diligence are unable to return such, the debt shall be remitted for [the covering of] their own need for the sake of God. Such a case is to be thoroughly investigated through the wardens.

Expenditure for the care of sojourners.

31 Sojourners, whatever their station, whether male or female, who have a Christian brotherly confidence towards our common assembly and who would seek livelihood in the city or villages of our parish district through the toil and diligence of their labor, shall receive faithful furtherance from the ten wardens and shall also out of our common chest be properly assisted with loans and gifts so that also the sojourners may not be left without comfort and be saved from disgrace and open sins.

Auſgabe fur enthalt vnd vffrichtunge der gebewhde.

32 Teglichen enthaldt[3] vnd beſſerung der gebewhde auch nawe[4] gebewhde, Nemtich an dieſen volgenden orthen, dem gemeynen kaſten zuſtendig, Das gotis hawß die Muldenbrucke, der pfarrhoff, die ſchule, die kuſterey, die hoſpitalh, ſollen die zehen furſteher, mit gutem vleis vnd furſichtigkeit, auch mit rathe der bawhfurſtendigen, vnd bewerter bawhleute, berathſchlagen, beſtellen, thun vnd volfuren laſſen, vnd die zugehorige notturfft mit beqwemigkeit[5] yn vorrathe verſchaffen, vnd auffm gemeinen kaſten die darlegung[6] thun, auch durch yre zwene bawmeiſter fuhren, vnd ander handtarbeit nach hergebrachter gewonheit beyn leuten yn der ſtadt vnd vffm lande, ſonderlich zur brucken, durch bethe[7] zuerlangen.

Auſgabe getreide kauffen yn gemeinen vorrath.

33 Vnſer eingepfarten verſamlunge zu einem gemeinen nutze, ſollen die zehen furſteher aus vnſerm gemeinen kaſten, neben der zulegunge[10] eins Radts aus yrer ſtadtkamer, eine redliche ſumma vnd antzalh korns vnd erbeiſs[11], off die ſchutehewßer[12], ſo dem Rathe vnd gemeinem kirchſpiell zuſtendig, yn vorrathe einkauffen vnd verſchaffen ſolchen vorrath, yn wollfeilen iaren ge-

[1]) angemessenen [2]) termin [3]) trotz [4]) genau [5]) unterhaltung [6]) neue. [7]) in angemessener weise vgl. s. 17 anm. 3 und s. 22 anm. 3 [8]) auszahlung [9]) durch 'entbietung' derjenigen, die an der reihe sind, die fuhren zu stellen und die handarbeit zu leisten [10]) dem zuschuß [11]) erbsen [12]) 'schüttehäuser', kornspeicher

Expenditure for the maintenance and establishment of buildings.

32 Daily maintenance and improvement of the buildings as well as of new buildings [to be built], which at the following places belong to the common chest: the God's house, the Mulde bridge, the parsonage, the school, the sexton's house, the hospital; shall be discussed, taken care of, carried out, and executed with all diligence and precaution by the ten wardens with the advice of building experts and proven architects. And the wardens shall furnish the necessary [building] supplies in an appropriate manner and take the payments out of the common chest and also obtain transportation and other manual labor from the people in the city and in the country according to traditional custom by means of summons through their two "architects" [here: building committee].

Expenditure of grain purchases for the general supply.

33 For the general benefit of our parish assembly, the ten wardens shall purchase, out of the common chest assisted by subsidy of the magistrate from the city treasury, a good amount and measure of grain and peas for the granaries which belong to the city council and to the general parish district, and they shall see to it that this supply be not touched during bargain years of grain purchases but always be

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treidekauffens, nicht angreiffen[1], sonder allwege mehren vnd stercken, damitte die einwoner gemeiner eingepfarten versamlunge, allenthalb yn der stadt vnd dorffern, yn zeit der anligenden notturfft[2], vm verkauffen, leyhen vnd geben, wie solchs durch die zehen fursteer fur gelegen vnd begweme[3] angesehen wirdt, zu solchem vorrathe durch die gnade gottes, zuflucht vnd leibs narunge haben mögen, Was auch an getreide von ackerleutten yn der stadt oder bawern vffm lande, gemeinem nutze zu gute, aus milder handt gegeben ader zu testamenten beschieden[4], vnd vber die erhaldunge der armen leutte, wieobin, vberbleiben wurde, sall auch zu diesem gemeinem vorrathe geschlagen, vnd wie gehortt zur notturfft der gantzen eingepfarten versamlunge gebraucht werden.

INCREASED AND ENLARGED SO THAT THE INHABITANTS OF THE GENERAL PARISH ASSEMBLY EVERYWHERE IN THE CITY AND THE VILLAGES MAY AT TIMES OF APPROACHING NEED FIND IN SUCH A SUPPLY BY THE GRACE OF GOD REFUGE AND NOURISHMENT OF THE BODY THROUGH PURCHASES, LOANS, AND DONATIONS AS IS DEEMED PROPER AND RIGHT THROUGH THE TEN WARDENS. GRAIN, WHICH HAS BEEN GIVEN OUT OF BENEVOLENCE OR HAS BEEN BEQUEATHED IN WILLS BY FARMING TOWNSMEN OR PEASANTS IN THE COUNTRY AND WHICH IS LEFT OVER BEYOND THE SUPPORT OF THE POOR AS IS STATED ABOVE, SHALL ALSO BE APPORTIONED TO THIS GENERAL SUPPLY AND BE USED FOR THE NEEDS OF THE WHOLE PARISH ASSEMBLY.

VI Jerliche zulage yn gemeynen kasten zuthun.

34 Wo auch die zinße, vffhebungen[5], gefelle vnd zugenge[6], yn furmögen vnd vorrathe vnsers gemeinen kastens wiewbin stuckweiße angezeiget, nicht gnugsam[7] zuvnterhaltunge vnd versorgunge vnsers pfarrambts, kusterey, schulen, der notturfftigen armen, vnd gemeiner gebewhde, yn massen[8] ordentlich nacheinander außgesatzt[9], haben wir Erbarmanne, Rath, viertellmeister, eldesten, vnd gemeine einwoner der stadt vnd dorffer vnsers gantzen kirchspiels, fur vns vnd vnsere nachkomen, yn krafft dieser vnser bruderlichen vereynigunge eintrechtiglich beschlossen vnd verwilliget, das ein yeder Erbarman, burger vnd bawer, yn dem kirchspiell wonhafftig, nachdem er hat vnd vermag, fur sich sein weib vnd kinder, ierlichen ein gelt zulegen solle, damit die heubtsumma, so sich eine gemeine eingepfarte versamlunge, yn yrem bedencken vnd ratschlage, aus der yarrechnung, als fur notturfftig vnd gnugsam, belernen[10] vnd erkunden wurde, fur folh aus zubrengen[11] vnd zuerlangen sein moge, Hierzu sollen auch, so weitt sich vnser kirchspiell erstreckt, alle hawßgnossen, dienstgesinde, knapschafft der handtwercke, vnd andere personen, welche nicht hewßlich besessen[12], vnd doch vnsere pfarrechte sich mitt frawen[13] vnd geprauchen, eine yede person, ein silbern groschen, allwege vff eine quatemper[14] vnd viertell yares, drey newe pfennig, als den vierden teyll desselbigen groschen, yerlichen zuhulffe reichen, welchs ein yeder hawßwirt oder hawßwirtynne vleissig einbrengen, vnd furder den zehen furstehern, vff igliche quatemper vberantwortenn sall. Vnd eine eingepfarte versamlung wöllen vnd sollen sich ytzundt vnd kunfftiglich, solcher yerlichen geringen zulage vnd hulffe, zu der ehre gottes, vnd liebe des eben Christen menschen, nicht beschweren, yn betrachtung das hiefur, eine lange ewige zeitt, beide, die wonhafftige vnd nicht wonhafftige[15],

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[5]) constr.: solchen vorrat in wohlfeilen jahren des getreidekaufens nicht angreifen [6]) der hereinbrechenden not [8]) angemessen [4]) testamentarisch vermacht [5]) erhebungen [6]) einkünfte [7]) genug sind [8]) wie [9]) auseinandergesetzt ist [10]) belehren [11]) 'für voll auszubringen' = voll zusammenzubringen [12]) hausbesitzer sind [13]) freuen [14]) vgl. s. 18 anm. 3 [15]) eingesessene und nichteingesessene

VI Annual contributions to be put in the common chest.

34 In case that the rents, levies, incomes, and revenues to the capital and supply of our common chest, as in detail listed above, shall not be sufficient for the support and provision of our pastorate, of the sexton's service, the schools, the needy poor, and the common buildings which we have discussed in the right order, we, the noblemen, city council, chairmen of the guilds, elders, and common inhabitants of the city and villages of our whole parish district, have unanimously resolved and agreed for us and our descendants by virtue of this our brotherly agreement that every nobleman, citizen, and peasant who is resident in our parish district should contribute annually an amount for himself, his wife and children according to his ability so that the total sum may be fully raised and attained which the general parish assembly has found and set as needed and sufficient through its deliberation and discussion of the annual budget. In addition, as far as our parish district extends, all fellow-lodgers, servants, journeymen of the crafts, and other persons, who are not house-owners and still who enjoy and use the rights of our parish, shall annually contribute a silver-piece each person, that is, always in the ember week of a quarter three new pennies as the fourth part of that same piece, which every master and mistress of the house shall diligently collect and hand over to the ten wardens at each ember week. And a parish assembly now and in future will not and shall not complain about this small annual contribution and assistance which is offered to the glory of God and love of the fellow Christian in view of the fact that previously for a long eternal time

durch vnser gemeyne kirchspiell, mit vber messiger vntreglicher beschwerunge vnd abelag[1], vn mancherley wensen vnd listen, ane vnderlas durchs gantze paer vberladen vnd außgesogen[2], welcher dinge numaln, durch die gnade gottes, widerumb vn ware freyheit des Christlichen geists, gewandt vnd komen seint, vnd eym yeden Christen, mit hochstem vleis zuverhutten[3], solche Christliche freyheit zubedeckunge des schentlichen geitz, nicht missebrauchen.

VII Dreymalh ym iare gemeine versamlunge zuhaltenn.

Zu Dreymalh ym iare, als Nemlich, den sontag nach dem achten tage[4] der heiligen dreyfeltigkeit, den sontag nach sanct Vrbans tage[5], vnd den sontag nach sanct Michaels tage[6], wollen vnd sollen, eine gantze gemeine eingepfarte versamlunge, vmb eylffhora, vffm radthawße zuhauffe komen, vnd zum wenigsten biss vmb zwey hora, nach mittage aldo beharren, erstlich diese vnser bruderliche vereynigunge, offentlich verlesen vnd anhoren, aus vnterricht vnser zehen verordenten fursteher, mit furlegung yrer handell vnd rechenbucher, vnd fustend aus vnser aller gemeinem bedencken, die verwesunge, eynnahme vnd außgabe, vnsers gemeinen kastens, vnd fustend allenthalben, die notturfft vnd beqwemigkeit[7], zuberadtschlagen, auch durch die gnade gotes, entlich[8] zubeschliessen, damitte diese bruderliche vereynigunge, nach gelegenheit des gemeinen vermogens vnd vorradts, erhalten, vnd nicht zu abnemenn kome, Ab auch ymands aus gemeynem kirchspiell, vff solche drey bestymbte tage, nicht gegenwertig sein kunde, wie doch ane mercklich grosse vrsache sich nymand dauon ewssern[10] solle, nichts weniger wie obin, durch[11] durch den hauffen, ordentlich verfaren werden.

BOTH THE RESIDENTS AND NON-RESIDENTS IN OUR WHOLE PARISH DISTRICT HAVE BEEN OVERBURDENED AND DRAINED THROUGHOUT THE WHOLE YEAR WITHOUT CEASE BY EXCESSIVE, INTOLERABLE BURDENS AND DEDUCTIONS THROUGH SUNDRY DEVICES AND RUSES. WHICH MATTERS HAVE NOW THROUGH THE GRACE OF GOD BEEN TURNED AND COME AGAIN INTO THE TRUE FREEDOM OF THE CHRISTIAN SPIRIT, AND IT IS INCUMBENT UPON EVERY CHRISTIAN WITH ALL DILIGENCE TO PREVENT THAT SUCH CHRISTIAN FREEDOM BE MISUSED AS A COVER OF SHAMEFUL AVARICE.

VII To hold a general assembly three times a year.

35 THREE TIMES A YEAR, THAT IS ON THE SECOND SUNDAY AFTER EPIPHANY, ON THE SUNDAY FOLLOWING ST. URBAN'S DAY [MAY 25] AND ON THE SUNDAY FOLLOWING ST. MICHAEL'S DAY [SEPTEMBER 29], AT ELEVEN O'CLOCK, A WHOLE GENERAL PARISH ASSEMBLY SHALL AND OUGHT TO COME TOGETHER AT THE CITY HALL AND SHALL REMAIN THERE AT LEAST UNTIL TWO O'CLOCK IN THE AFTERNOON, FIRST IN ORDER TO READ AND TO HEAR PUBLICLY THIS OUR BROTHERLY AGREEMENT, THEN TO DISCUSS THE ADMINISTRATION, THE RECEIPTS, AND THE EXPENDITURES OF OUR COMMON CHEST AS WELL AS THE NEEDS AND LEGITIMATE WANTS EVERYWHERE OUT OF THE INSTRUCTION OF OUR TEN APPOINTED WARDENS THROUGH A PRESENTATION OF THEIR MINUTES AND ACCOUNTS AND ALSO THROUGH THE GENERAL CONSIDERATION OF US ALL, AND FINALLY IN ORDER TO MAKE THROUGH THE GRACE OF GOD RESOLUTIONS SO THAT THIS BROTHERLY AGREEMENT ACCORDING TO OUR COMMON ABILITY AND PROVISION MAY BE PRESERVED AND NOT FALL INTO DECAY. IN CASE THAT SOMEONE OF THE GENERAL PARISH DISTRICT IS UNABLE TO BE PRESENT AT THESE THREE APPOINTED DAYS, ALTHOUGH NOBODY SHOULD REMAIN ABSENT WITHOUT AN OBVIOUS WEIGHTY REASON, THE ASSEMBLY SHALL NEVERTHELESS PROCEED IN THE ORDER REFERRED TO ABOVE.

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12. SEE SUPRA, FOOTNOTE 9, P. A29

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Fursteher yre volstendige iarrechnunge zuthun.

36 Unsere zehen verordenten fursteher, sollenn alle yar ierlich, vff den sontag nach dem achten der heiligen dreyer konige, vnd volgend tage, nacheinander yre gantze iarrechnung, von verwesunge, eynnahme vnd außgabe, vnsers gemeynen kastens, durch yre handell vnd rechenbucher, vnd sustend mit yrem muntlichen bericht offentlich yn gegenwertigkeit vnser gemeinen versamlunge oder einer mercklichen antzall vnd außschuß, von wegen vnd an stadt gantzer versamlunge, wie es die gelegenheit geben will thun, furwenden und volfurenn. Nachdem die forma vnd vnterricht zu solcher verrechnung aus gemeinem beschliess einer versamlunge, vff den ersten tag yres ankomens, wieobin bemeldet, gemacht, vnd den fursteheern vbergeantwurt oder zugestellet worden ist, vnd wan solche rechnung von den fursteheern besiheen vnd angenomen wurden, sollen die von einer versamlung wegen, mit vleissiger dancksagunge der selbigen nach aller notturfft, ledig,

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[illegible] (geld)abzug [illegible] ausgesogen worden sind [illegible] zu verhüten ist [illegible] octave [illegible] Mai [illegible] [illegible]pt [illegible] vgl. s. 21 anm. 7 [illegible] 'endlich' geht auf 'erstlich' [illegible] ist 'definit[illegible] entsprechend dem zustand [illegible] fernbleiben [illegible] const[illegible] [illegible]ll nichtsdest[illegible]weniger in der oben berührten weise . . . [illegible] vorlegen [illegible]mtsantrittes

THE RENDERING OF COMPLETE ANNUAL ACCOUNTS BY THE WARDENS.

36 OUR TEN APPOINTED WARDENS SHALL EVERY YEAR ANNUALLY ON THE SECOND SUNDAY AFTER EPIPHANY[13] AND ON THE FOLLOWING DAY [DAYS?], GIVE, PRESENT, AND RENDER THEIR ENTIRE ANNUAL ACCOUNT OF THE ADMINISTRATION, RECEIPTS, AND EXPENDITURES OF OUR COMMON CHEST, ONE AFTER THE OTHER, THROUGH THEIR MINUTES AND ACCOUNT BOOKS AS WELL AS THROUGH THEIR ORAL REPORT PUBLICLY IN THE PRESENCE OF OUR GENERAL ASSEMBLY OF A SIZABLE NUMBER AND PART ON BEHALF AND INSTEAD OF THE WHOLE ASSEMBLY AS OCCASION OFFERS. AFTER THE PROCEDURE AND INSTRUCTION OF THIS ANNUAL ACCOUNT HAS BEEN CONCLUDED THROUGH A GENERAL RESOLUTION OF THE ASSEMBLY ON THE FIRST DAY OF THEIR COMING TOGETHER, AS REPORTED ABOVE, AND HAS BEEN DELIVERED OR HANDED BACK TO THE WARDENS AND AFTER THIS ACCOUNT HAS BEEN RECEIVED AND ACCEPTED BY THE WARDENS, THESE [THE WARDENS] SHALL BE DECLARED FREE, ACQUITTED, AND RELEASED OF ALL OBLIGATIONS ON BEHALF OF THE ASSEMBLY WITH MUCH THANKS-

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13. SEE SUPRA, FOOTNOTE 9, P. A29

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queid, vnd loſs geſaget werden[1], vnd als baldt ſollen ſie vnſern nawen welten zehen furſtehern, eynantwurten vnd vberreichen den gemeinen kasten, mit ſambt allen brieuelichen vrkunden, verzeichnuſſen vnd regiſter, auch die drey bucher das heubtbuch, das handelbuch, die parrechenbucher, ſouill derſelbigen gemacht ſeint, vnd daneben lauts des ynuentarienn, alle ſtucke die nach beſchloſſener yrer rechnung, ym vorrathe vnd reſtat verblieben, getreid, genyßlicher vorrath, farendehaben, cleinod, ſilberwerck, barſchafft an gelt, allerley notturfft zugebewhden, alles nach rechter vnderſchied des gewichts, zcalh vnd maſs, volkumlich anweißen vnd vberantwurten, vnd ſolche vberantwortung ſall von nawen ordentlich yn ein ynuentarium vnd verzeichnus anderweitt beſchrieben, vnd durch die erbarmanne, rethe, vnd vier handtwercke, yn nahmen gantzer verſamlunge, beſigelt, vnd zu gemeinen kasten widerumb darauff zuberechen[2], hinderlegt werden.

GIVING OF THE SAME. AND IMMEDIATELY THEY SHALL HAND OVER AND PRESENT TO OUR NEWLY ELECTED TEN WARDENS THE COMMON CHEST TOGETHER WITH ALL THE WRITTEN DEEDS, INVENTORIES, AND REGISTERS AS WELL AS THE THREE BOOKS, THE PRINCIPAL BOOK, THE BOOK OF MINUTES, THE ANNUAL ACCOUNT BOOKS AS MANY OF THOSE AS HAVE BEEN WRITTEN, AND IN ADDITION THEY SHALL TRANSFER AND SURRENDER TO THEM, ACCORDING TO THE INVENTORY, ALL ITEMS WHICH AFTER THE CONCLUSION OF THE ANNUAL ACCOUNT ARE LEFT IN THE STORE AND REMAINDER, [SUCH AS] GRAIN, SUPPLY OF FOOD, MOVABLE PROPERTY, JEWELS, SILVERWARE, CASH, ALL SORTS OF BUILDING SUPPLIES. AND THIS TRANSFER SHALL BE RECORDED BY THE NEW [WARDENS] PROPERLY IN A NEW INVENTORY AND REGISTER AND SHALL BE SEALED BY THE NOBLEMEN, MAGISTRATES, AND FOUR GUILDS IN THE NAME OF THE WHOLE ASSEMBLY AND BE DEPOSITED IN THE COMMON CHEST SO THAT THEY CAN AGAIN RENDER AN ACCOUNT UPON THIS BASIS [IN THE FOLLOWING YEAR].

Die nawen furſteher erholunge beyn alden zuhaben.

So mogen auch die nawen furſteher, ſo offt es ynen nodt ſein wirdt, bey den alden erholunge haben[2], welchs ſich die alden furſteher, vmb der ehre gottes vnd gemeines nutzs willen nicht beſchweren[4], ſunder trewen vnterricht vnd rath mitteylen ſollenn.

Zu warer vrkunde, vnd vff das dieße vnſer bruderliche vereynigunge, yn allen yren obgeſchrieben artikeln, ſtucken vnd puncten, nicht anders, dann alleyne zu der ehre gottes, vnd liebe des eben Chriſten menſchen vnd alſo gemeinem nutze zu gute, durch eine eingepfarte verſamlung albier zu leyßneck, zu aller zeitt ſall gehandelt, gebraucht vnd gehandthabt werden treulich vnd ane alle geferde, haben wir erbarmunge, mit namen Baltaſer von arras, Baſtian von kotteritzſch[5] vnd Sigmunde von lauſk, vnſere angeborne Erb inſigell[6], Vnd wir der radt vnſer ſtadt ſecrett[7], Vnd wir geſchworne handtwercks meiſter der vier handtwercke. Nemlich, Tuchmacher, Becken Schuſter vnd Botticher, vnſere gewonliche handtwergs ſigill, von wegen vnd vff bitte aller vnd iglicher einwoner, yn der ſtadt vnd dörffern, vnſers kirchſpiells, mit offentlicher rechter wiſſentſchafft, fur vns vnd vnſere nachkomende eingepfarte verſamlunge, an dieße gegenwertige vnſer beſchreybung thun anhengen. Geſcheen vnnd geben zu Leyſneck nach Chriſti vnſers lieben herrn geburt, tauſent funffhundert vnd yn dreyundzwentzigſten yare.

[2]) ſollen ſie, nachdem ihnen der nötige dank ausgeſprochen iſt, der verſammlung gegenüber für entlastet und der verpflichtungen quitt erklärt werden [3]) um bei der nächsten rechenschaftsablegung auf dieser grundlage zu rechnen [4]) ſich rats erholen [5]) lästig empfinden. Sebastian v. Kötteritzsch war im Januar 1523 nebst Franz Sa[illegible] bei Luther gewesen um mit ihm über diese kastenordnung zu verhandeln s. L's Briefwechsel hrsg. v. Enders IV 69 f. u. Kawerau N. Archiv III 83 anm. 22 [6]) die lesart „Ers insigell" der ersten ausgabe ist ein sinnloser druckfehler: die handschrift in Leisnig hat deutlich „Erbinsigell" s. Nobbe in Mitt. 6, 61 anm. u. Kawerau in der Weim. Ausg. 12 s. 30, 26 [7]) 'geheimsiegel'

Frommannsche Buchdruckerei (Hermann Pohle) in Jena — 3140

The new wardens to consult with the old ones.

In this manner the new wardens may also consult with the old ones as often as they deem necessary, concerning which the old wardens should not complain but give faithful instruction and advice for the sake of the glory of God and of the common benefit.

In verification and witness thereof that this our brotherly agreement shall at all times be exercised, used, and administered faithfully and without any danger of harm in all its articles, items, and points, as written above, by a parish assembly here in Leisnig for no other purpose but alone for the glory of God and for the love of the fellow Christian and also for the common benefit, we, noblementwith name Baltaser von Arras, Bastian von Kotteritzsch, and Sigmund Laussk, have attached our hereditary seals, and we, the city council, the privy seal of our city, and we, the sworn masters of the four guilds namely the clothmakers, bakers, shoemakers, and coopers, our ordinary guild-seals to this our present document for us and the parish assembly succeeding us, with proper public notice on behalf and request of each and every inhabitant in the city and villages of our parish district. Done and given at Leisnig in the thousand five hundred and twenty-third year after the birth of Christ, our dear Lord.

APPENDIX VI

The word "Volkskirche" does not appear in Luther. It is the product of a much later period of theological reflection. As is correctly pointed out by H.-R. Mueller-Schwefe in his article on "Volkskirche" in Die Religion in Geschichte und Gegenwart, 3rd edition, J.C.B. Mohr, Tuebingen, 1962, Vol. VI, p. 1459, Friedrich Schleiermacher was the first one to lay hold of the term "Volkskirche" and develop it into a meaningful concept concerning the relation of the church to public life. It was therefore not until the period of romanticism that the term "Volkskirche" acquired the meaning which it currently has, - of a church that is related to "a human fellowship constituted by a common history and heredity of blood, by a common space required for life, and by a common language" (ibid.: "... eine durch gemeinsame Geschichte und Blutserbe, gleichen Lebensraum und gleiche Sprache bestimmte menschliche Gemeinschaft.").

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